

House Bill 528

By: Representatives Ray of the 136th, Barnard of the 166th, Black of the 174th, Floyd of the 147th, and Powell of the 29th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to
2 extensively revise the "Georgia Election Code"; to provide for a two-stage system of
3 primaries and elections whereby primaries are a procedure for winnowing candidates for
4 public office down to a limited number to be voted on at elections; to provide that each voter
5 has the right to cast a vote in a primary for any candidate for each office without any
6 limitation based on party preference or affiliation of either the voter or the candidate; to
7 provide that those candidates receiving the highest and second highest number of votes cast
8 in a primary for public office, without regard to party affiliation, shall be qualified for
9 election; to provide that candidates receiving a plurality of votes for office in an election
10 shall be elected; to provide for elections generally; to provide for supervisory boards and
11 officers; to provide for registration and committee organization of political parties and
12 bodies; to provide for selection and qualification of candidates and presidential electors; to
13 provide for presidential preference primaries; to provide for registration of voters; to provide
14 for precincts and polling places; to provide for voting by ballot; to provide for state-wide
15 voting equipment; to provide for voting machines and vote recorders generally; to provide
16 for absentee voting; to provide for preparation for and conduct of primaries and elections;
17 to provide for returns; to provide for contested elections and primaries; to provide for special
18 elections and primaries generally and municipal terms of office; to provide for miscellaneous
19 offenses; to repeal conflicting laws; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 **SECTION 1.**

22 Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by
23 striking Chapter 2, the "Georgia Election Code," and inserting in lieu thereof the following:

"CHAPTER 2

ARTICLE I

21-2-1.

(a) This chapter shall be known and may be cited as the 'Georgia Election Code.'

(b) References in general and local law to the 'Georgia Municipal Election Code,' the 'Municipal Election Code,' or 'Chapter 3 of Title 21' shall be deemed to refer to this chapter.

21-2-2.

As used in this chapter, the term:

(1) 'Ballot' means 'official ballot' or 'paper ballot' and shall include the instrument, whether paper, mechanical, or electronic, by which an elector casts his or her vote.

(2) 'Ballot labels' means the cards, paper, or other material placed on the front of a voting machine containing the names of offices and candidates and statements of questions to be voted on.

(3) 'Call' or 'the call,' as used in relation to special elections or special primaries, means the affirmative action taken by the responsible public officer to cause a special election or special primary to be held. The date of the call shall be the date of the first publication in a newspaper of appropriate circulation of such affirmative action.

(4) 'Custodian' means the person charged with the duty of testing and preparing voting equipment for the primary or election and with instructing the poll officers in the use of same.

(4.1) 'Direct recording electronic' or 'DRE' voting equipment means a computer driven unit for casting and counting votes on which an elector touches a video screen or a button adjacent to a video screen to cast his or her vote.

(5) 'Election' means any general or special election and shall not include a primary.

(6) 'Election district' is synonymous with the terms 'precinct' and 'voting precinct.'

(7) 'Elector' means any person who shall possess all of the qualifications for voting now or hereafter prescribed by the laws of this state, including applicable charter provisions, and shall have registered in accordance with this chapter.

(8) 'General election' means an election recurring at stated intervals fixed by law or by the respective municipal charters; ~~and the words 'general~~

(8.1) 'General primary' mean a primary recurring at stated intervals fixed by law or by the respective municipal charters.

(9) 'Governing authority' means the governing authority of a municipality.

1 (10) 'Independent' means a person unaffiliated with any political party or body and
2 includes candidates in a special election for a partisan office for which there has not been
3 a prior special primary.

4 (11) 'Managers' means the chief manager and the assistant managers required to conduct
5 primaries and elections in any precinct in accordance with this chapter.

6 (12) 'Municipal office' means every municipal office to which persons can be elected by
7 a vote of the electors under the laws of this state and the respective municipal charters.

8 (13) 'Municipality' means an incorporated municipality.

9 (13.1) 'Nonpartisan election' means an election for a nonpartisan office.

10 ~~(14) 'Nomination' means the selection, in accordance with this chapter, of a candidate for~~
11 ~~a public office authorized to be voted for at an election~~ 'Nonpartisan office' means a
12 public office for which a candidate shall not indicate a political party preference on his
13 or her declaration of candidacy and shall not have such a preference appear on the
14 primary and election ballot in conjunction with his or her name. All public offices that
15 are not partisan offices as defined in paragraph (20.1) of this Code section are nonpartisan
16 offices.

17 (14.1) 'Nonpartisan primary' means a primary for a nonpartisan office.

18 (15) 'November election' means the general election held on the Tuesday next following
19 the first Monday in November in each even-numbered year.

20 (16) 'Numbered list of voters' means one or more sheets of uniform size containing
21 consecutively numbered blank spaces for the insertion of voters' names at the time of and
22 in the order of receiving their ballots or number slips governing admissions to the voting
23 machines.

24 (17) 'Oath' shall include affirmation.

25 (18) 'Official ballot' means a ballot, whether paper, mechanical, or electronic, which is
26 furnished by the superintendent or governing authority in accordance with Code Section
27 21-2-280, including ballots read by optical scanning tabulators.

28 (19) 'Official ballot label' means a ballot label prepared in accordance with Article 9 of
29 this chapter and delivered by the superintendent to the poll officers in accordance with
30 Code Section 21-2-328.

31 (20) 'Paper ballot' or 'ballot' means the forms described in Article 8 of this chapter. The
32 term 'paper ballot' shall not include a ballot card.

33 (20.1) 'Partisan office' means a public office for which a candidate may indicate a
34 political party preference on his or her declaration of candidacy and have that preference
35 appear on the primary and election ballot in conjunction with his or her name. The
36 following public offices are partisan offices:

37 (A) United States senator and United States representative;

1 (B) All state offices, including without limitation members of the General Assembly,
 2 except judicial offices as provided by Code Section 21-2-138;

3 (C) All county offices except as otherwise provided by local law pursuant to Code
 4 Section 21-2-139; and

5 (D) All municipal offices except as otherwise provided by local law or ordinance
 6 pursuant to Code Section 21-2-139.

7 ~~(21) 'Party nomination' means the selection by a political party, in accordance with this~~
 8 ~~chapter, of a candidate for a public office authorized to be voted for at an election~~
 9 'Partisan primary' means a primary for a partisan office.

10 (22) 'Plurality' means the receiving by one candidate alone of the highest number of votes
 11 cast for eligible candidates in an election among the candidates for the same office;
 12 ~~provided that such number of votes exceeds 45 percent of the total number of votes cast~~
 13 ~~in such election for such office. In the case where two or more persons tie in receiving~~
 14 ~~the highest number of votes or no candidate receives more than 45 percent of the total~~
 15 ~~votes cast for eligible candidates in the election for the office sought there is no plurality.~~

16 (23) 'Political body' or 'body' means any political organization other than a political
 17 party.

18 (24) 'Political organization' means an affiliation of electors organized for the purpose of
 19 influencing or controlling the policies and conduct of government through the nomination
 20 of candidates for public office and, if possible, the election of its candidates to public
 21 office, except that the term 'political organization' shall not include a 'subversive
 22 organization' as defined in Part 2 of Article 1 of Chapter 11 of Title 16, the 'Sedition and
 23 Subversive Activities Act of 1953.'

24 (25) 'Political party' or 'party' means any political organization which at the preceding:

25 ~~(A) Gubernatorial election nominated a candidate for Governor and whose candidate~~
 26 ~~for Governor at such election polled at least 20 percent of the total vote cast in the state~~
 27 ~~for Governor; or~~

28 ~~(B) presidential election nominated a candidate for President of the United States and~~
 29 ~~whose candidates for presidential electors at such election polled at least 20 percent of~~
 30 ~~the total vote cast in the nation for that office~~ or the Georgia affiliate of any such
 31 political organization.

32 (26) 'Poll officers' means the chief manager, assistant managers, and clerks required to
 33 conduct primaries and elections in any precinct in accordance with this chapter.

34 (27) 'Polling place' means the room provided in each precinct for voting at a primary or
 35 election.

(28) 'Precinct' is synonymous with the term 'voting precinct' and means a geographical area, established in accordance with this chapter, from which all electors vote at one polling place.

(29) 'Primary' means ~~any election held for the purpose of electing party officers or nominating candidates for public offices to be voted for at an election~~ a procedure for winnowing candidates for public office down to a limited number to be voted for at an election, in which each voter has the right to cast a vote for any candidate for each office without any limitation based on party preference or affiliation of either the voter or the candidate.

(30) 'Public office' means every federal, state, county, and municipal office to which persons can be elected by a vote of the electors under the laws of this state or the respective municipal charters, except that the term shall not include the office of soil and water conservation district supervisor.

(31) 'Question' means a brief statement of such constitutional amendment, charter amendment, or other proposition as shall be submitted to a popular vote at any election.

(32) 'Residence' means domicile.

(33) 'Special election' means an election that arises from some exigency or special need outside the usual routine.

(34) 'Special primary' means a primary that arises from some exigency or special need outside the usual routine.

(35) 'Superintendent' means:

(A) Either the judge of the probate court of a county or the county board of elections, the county board of elections and registration, the joint city-county board of elections, or the joint city-county board of elections and registration, if a county has such; or

~~(B) In the case of a municipal primary, the municipal executive committee of the political party holding the primary within a municipality or its agent or, if none, the county executive committee of the political party or its agent;~~

~~(C) In the case of a nonpartisan municipal primary, the person appointed by the proper municipal executive committee; and~~

~~(D)~~ (B) In the case of a municipal primary or election, the person appointed by the governing authority pursuant to the authority granted in Code Section 21-2-70.

(36) 'Swear' shall include affirm.

(37) Reserved.

(38) Reserved.

(39) 'Voter' is synonymous with the term 'elector.'

(40) 'Voting machine' is a mechanical device on which an elector may cast a vote and which tabulates those votes by its own devices and is also known as a 'lever machine.'

(41) 'Write-in ballot' means the paper or other material on which a vote is cast for persons whose names do not appear on the official ballot or ballot labels.

21-2-2.1.

The rights of Georgia voters are protected by its Constitution and laws and include but are not limited to the following fundamental rights:

(1) The right of qualified voters to vote at all elections;

(2) The right of absolute secrecy of the vote. No voter shall be required to disclose political faith or adherence in order to vote; and

(3) The right to cast a vote for any candidate for each office without any limitation based on party preference or affiliation of either the voter or the candidate.

21-2-3.

(a) It shall be unlawful for any person to place campaign posters, signs, and advertisements:

(1) Within the right of way of any public streets, roads, or highways;

(2) On any public property or building;

(3) On any private property unless the owner thereof has given permission to place such campaign posters, signs, and advertisements on such property; or

(4) Reserved;

(5) On any property zoned for commercial or industrial uses if the placement of such campaign posters, signs, and advertisements conflicts with any zoning laws or ordinances.

(b) Any person who violates this Code section shall be guilty of a misdemeanor.

21-2-4.

(a) The summary of general amendments to the Constitution of Georgia prepared by the Attorney General, the legislative counsel, and the Secretary of State pursuant to Article X, Section I, Paragraph II of the Constitution of Georgia shall be printed by the Secretary of State in sufficient quantities to make available a copy of such summary to any interested citizen requesting a copy. In preparing the summary provided by this provision of the Constitution of Georgia, the Attorney General, the legislative counsel, and the Secretary of State shall provide an explanation of each proposed general amendment to the Constitution of Georgia in language free of legalistic and technical terms, to the end that the summary may be read and understood by the majority of citizens of this state. The Secretary of State shall be authorized to include with such summary, as a part of the same document, a summary or explanation of any state-wide referendum questions to be voted

1 on at the same general election and any other explanatory materials as may be deemed
2 appropriate by the Secretary of State.

3 (b) The Secretary of State shall cause a supply of the summary to be printed as soon as
4 practicable after the summary has been prepared. The quantity of such supply shall be at
5 the discretion of the Secretary of State. Immediately after receiving a supply of the printed
6 summary, the Secretary of State shall prepare a press release stating that a summary of
7 proposed general amendments to the Constitution of Georgia is available for distribution
8 to interested citizens and advising such citizens of the method or methods by which a copy
9 of such summary may be obtained. The Secretary of State shall distribute this press release
10 to print and broadcast media throughout the state and shall actively seek the cooperation
11 of the media in publicizing the fact that a summary of proposed general amendments to the
12 Constitution of Georgia is available to interested citizens and encouraging citizens to obtain
13 a copy of the summary. The Secretary of State shall reissue, at his discretion, this press
14 release from time to time up to the date of the general election at which the proposed
15 general amendments to the Constitution of Georgia shall be submitted to the electorate for
16 approval or rejection.

17 (c) The Secretary of State shall send a supply of the printed summary to the superintendent
18 of elections of each county. The press release provided by subsection (b) of this Code
19 section shall state that the summary is available at the office of each election
20 superintendent. Each election superintendent shall distribute a copy of the summary, as
21 made available by the Secretary of State in his discretion, to any interested citizen on
22 request. The press release shall also state that the summary may be obtained by mail and
23 shall advise citizens how a copy may be so obtained. The Secretary of State shall be
24 authorized to use any additional methods for the distribution of the summary as he may
25 deem necessary to achieve the most effective distribution of the summary to all interested
26 citizens.

27 (d) The Secretary of State is authorized to provide for the preparation of a supply of audio
28 tapes which shall contain the summary of each proposed general amendment to the
29 Constitution as provided in subsection (a) of this Code section, together with a listing of
30 the candidates for each of the state representatives to the United States Congress and the
31 candidates for every public office elected by the electors of the entire state. A sufficient
32 number of the audio tapes may be prepared as will permit the distribution of at least one
33 tape to each of the public libraries within the state for the purpose of providing voting
34 information and assistance to any interested citizen. The Secretary of State may cause a
35 supply of the tapes to be prepared and distributed as soon as practicable after the summary
36 has been prepared and the names of the candidates for each of the public offices to be
37 included are known to be candidates.

21-2-4.1.

(a) Any member of any constitutional or statutory board or body who:

(1) Is in office on January 1 of the year following the year in which members of Congress are first elected from Georgia under any congressional redistricting Act; and

(2) Was appointed or otherwise selected (other than by election by the people) on the basis of residency within a congressional district shall have his or her eligibility or ineligibility to continue to serve determined as provided in this subsection. Such member shall serve out the term for which the member was appointed and shall represent the congressional district created by this chapter in which the member resides unless more members of the board or body than authorized by the applicable constitutional provision or statute reside within the same congressional district. In the event any congressional district created by this chapter has residing therein more members of any such board or body than the number of members specified by the applicable constitutional provision or statute, the appointing authority shall designate which member or members representing the congressional district shall continue to serve as a member or members of the board or body. Any member not designated for continued membership shall cease to hold office as of the date of such designation by the appointing authority. If a congressional district created by this chapter is not represented on a board or body as specified by the applicable constitutional provision or statute, a vacancy shall exist. Such vacancy shall be filled by the appointing authority appointing to the board or body a member or members from the congressional district which does not have sufficient representation. In the case of an appointment to fill a vacancy created by the displacement of a member from a congressional district on the basis of residency, the initial appointment shall be for a term ending on the date on which the term of the member removed by the appointing authority in accordance with the foregoing requirement would have ended. The initial term of all other appointments to fill a vacancy as provided for in this Code section shall be set by the appointing authority in accordance with the schedule of expiration dates established by law for the terms of members of the board or body.

(b) The same rules provided for in subsection (a) of this Code section shall be applied insofar as may be practicable in the event a court of competent jurisdiction enters an order changing the composition of Georgia's congressional districts. In such event, such rules shall be applied as of January 1 of the year following the year in which members of Congress are first elected from Georgia under such court order. If such a court order is stayed, the application of this subsection shall likewise be stayed. If such a court order is subject to appeal but is not stayed and congressional elections are held under such court order, the application of this subsection likewise shall not be stayed.

1 21-2-5.

2 (a) Every candidate for federal and state office ~~who is certified by the state executive~~
3 ~~committee of a political party or~~ who files a notice of candidacy shall meet the
4 constitutional and statutory qualifications for holding the office being sought.

5 (b) The Secretary of State upon his or her own motion may challenge the qualifications of
6 any candidate at any time prior to the election of such candidate. Within two weeks after
7 the deadline for qualifying, any elector who is eligible to vote for a candidate may
8 challenge the qualifications of the candidate by filing a written complaint with the
9 Secretary of State giving the reasons why the elector believes the candidate is not qualified
10 to seek and hold the public office for which he or she is offering. Upon his or her own
11 motion or upon a challenge being filed, the Secretary of State shall notify the candidate in
12 writing that his or her qualifications are being challenged and the reasons therefor and shall
13 advise the candidate that he or she is requesting a hearing on the matter before an
14 administrative law judge of the Office of State Administrative Hearings pursuant to Article
15 2 of Chapter 13 of Title 50 and shall inform the candidate of the date, time, and place of
16 the hearing when such information becomes available. The administrative law judge shall
17 report his or her findings to the Secretary of State.

18 (c) The Secretary of State shall determine if the candidate is qualified to seek and hold the
19 public office for which such candidate is offering. If the Secretary of State determines that
20 the candidate is not qualified, the Secretary of State shall withhold the name of the
21 candidate from the ballot or strike such candidate's name from the ballot if the ballots have
22 been printed. If there is insufficient time to strike the candidate's name or reprint the
23 ballots, a prominent notice shall be placed at each affected polling place advising voters
24 of the disqualification of the candidate and all votes cast for such candidate shall be void
25 and shall not be counted.

26 (d) In the event that a candidate pays his or her qualifying fee with a check that is
27 subsequently returned for insufficient funds, the Secretary of State shall automatically find
28 that such candidate has not met the qualifications for holding the office being sought,
29 unless the bank, credit union, or other financial institution returning the check certifies in
30 writing by an officer's or director's oath that the bank, credit union, or financial institution
31 erred in returning the check.

32 (e) The elector filing the challenge or the candidate challenged shall have the right to
33 appeal the decision of the Secretary of State by filing a petition in the Superior Court of
34 Fulton County within ten days after the entry of the final decision by the Secretary of State.
35 The filing of the petition shall not itself stay the decision of the Secretary of State;
36 however, the reviewing court may order a stay upon appropriate terms for good cause
37 shown. As soon as possible after service of the petition, the Secretary of State shall transmit

1 the original or a certified copy of the entire record of the proceedings under review to the
2 reviewing court. The review shall be conducted by the court without a jury and shall be
3 confined to the record. The court shall not substitute its judgment for that of the Secretary
4 of State as to the weight of the evidence on questions of fact. The court may affirm the
5 decision or remand the case for further proceedings. The court may reverse or modify the
6 decision if substantial rights of the appellant have been prejudiced because the findings,
7 inferences, conclusions, or decisions of the Secretary of State are:

- 8 (1) In violation of the Constitution or laws of this state;
- 9 (2) In excess of the statutory authority of the Secretary of State;
- 10 (3) Made upon unlawful procedures;
- 11 (4) Affected by other error of law;
- 12 (5) Clearly erroneous in view of the reliable, probative, and substantial evidence on the
13 whole record; or
- 14 (6) Arbitrary or capricious or characterized by an abuse of discretion or a clearly
15 unwarranted exercise of discretion.

16 An aggrieved party may obtain a review of any final judgment of the superior court by the
17 Court of Appeals or the Supreme Court, as provided by law.

18 21-2-6.

19 (a) Every candidate for county office ~~who is certified by the county executive committee~~
20 ~~of a political party or~~ who files a notice of candidacy and every candidate for municipal
21 office ~~who is certified by a municipal executive committee of a political party or~~ who files
22 a notice of candidacy shall meet the constitutional and statutory qualifications for holding
23 the office being sought.

24 (b) The superintendent upon his or her own motion may challenge the qualifications of any
25 candidate referred to in subsection (a) of this Code section at any time prior to the election
26 of such candidate. Within two weeks after the deadline for qualifying, any elector who is
27 eligible to vote for any such candidate may challenge the qualifications of the candidate by
28 filing a written complaint with the superintendent giving the reasons why the elector
29 believes the candidate is not qualified to seek and hold the public office for which the
30 candidate is offering. Upon his or her own motion or upon a challenge being filed, the
31 superintendent shall notify the candidate in writing that his or her qualifications are being
32 challenged and the reasons therefor and shall advise the candidate that he or she is setting
33 a hearing on the matter and shall inform the candidate of the date, time, and place of the
34 hearing.

35 (c) The superintendent shall determine if the candidate is qualified to seek and hold the
36 public office for which such candidate is offering. If the superintendent determines that the

1 candidate is not qualified, the superintendent shall withhold the name of the candidate from
2 the ballot or strike such candidate's name from the ballot if the ballots have been printed.
3 If there is insufficient time to strike the candidate's name or reprint the ballots, a prominent
4 notice shall be placed at each affected polling place advising voters of the disqualification
5 of the candidate and all votes cast for such candidate shall be void and shall not be counted.

6 (d) In the event that a candidate pays his or her qualifying fee with a check that is
7 subsequently returned for insufficient funds, the superintendent shall automatically find
8 that such candidate has not met the qualifications for holding the office being sought,
9 unless the bank, credit union, or other financial institution returning the check certifies in
10 writing by an officer's or director's oath that the bank, credit union, or financial institution
11 erred in returning the check.

12 (e) The elector filing the challenge or the candidate challenged shall have the right to
13 appeal the decision of the superintendent by filing a petition in the superior court of the
14 county in which the candidate resides within ten days after the entry of the final decision
15 by the superintendent. The filing of the petition shall not itself stay the decision of the
16 superintendent; however, the reviewing court may order a stay upon appropriate terms for
17 good cause shown. As soon as possible after service of the petition, the superintendent shall
18 transmit the original or a certified copy of the entire record of the proceedings under review
19 to the reviewing court. The review shall be conducted by the court without a jury and shall
20 be confined to the record. The court shall not substitute its judgment for that of the
21 superintendent as to the weight of the evidence on questions of fact. The court may affirm
22 the decision or remand the case for further proceedings. The court may reverse or modify
23 the decision if substantial rights of the appellant have been prejudiced because the findings,
24 inferences, conclusions, or decisions of the superintendent are:

25 (1) In violation of the Constitution or laws of this state;

26 (2) In excess of the statutory authority of the superintendent;

27 (3) Made upon unlawful procedures;

28 (4) Affected by other error of law;

29 (5) Clearly erroneous in view of the reliable, probative, and substantial evidence on the
30 whole record; or

31 (6) Arbitrary or capricious or characterized by an abuse of discretion or a clearly
32 unwarranted exercise of discretion.

33 An aggrieved party may obtain a review of any final judgment of the superior court by the
34 Court of Appeals or the Supreme Court, as provided by law.

1 21-2-7.

2 No person who has been adjudged a 'subversive person,' as defined in Part 2 of Article 1
3 of Chapter 11 of Title 16, the 'Sedition and Subversive Activities Act of 1953,' shall be
4 nominated or elected in accordance with this chapter.

5 21-2-8.

6 No person shall be eligible for ~~party nomination for or~~ election to public office, nor shall
7 he or she perform any official acts or duties as a superintendent, registrar, deputy registrar,
8 poll officer, or party officer, as set forth in this chapter, in connection with any election or
9 primary held under this chapter, if under the laws of this state, any other state, or the United
10 States he or she has been convicted and sentenced, in any court of competent jurisdiction,
11 for fraudulent violation of primary or election laws, malfeasance in office, or felony
12 involving moral turpitude, unless such person's civil rights have been restored and at least
13 ten years have elapsed from the date of the completion of the sentence without a
14 subsequent conviction of another felony involving moral turpitude. Additionally, the person
15 shall not be holding illegally any public funds. In the event of the disqualification of the
16 superintendent as described in this Code section, the clerk of the superior court shall act in
17 his or her stead. Notwithstanding the above, the governing authority shall appoint an
18 individual to serve as superintendent for municipal elections or municipal primaries in the
19 event of the disqualification of the municipal superintendent, unless the municipality has
20 contracted with a county government for the provision of election services, in which event
21 the clerk of the superior court shall act in place of a disqualified superintendent.

22 21-2-9.

23 (a) The Governor, Lieutenant Governor, Secretary of State, Attorney General, State School
24 Superintendent, Commissioner of Insurance, Commissioner of Agriculture, Commissioner
25 of Labor, members of Congress, Justices of the Supreme Court, Judges of the Court of
26 Appeals, judges of the superior courts, district attorneys, members of the General
27 Assembly, and county officers shall be elected in the November election next preceding
28 the expiration of the term of office.

29 (b) All general municipal elections to fill municipal offices shall be held on the Tuesday
30 next following the first Monday in November in each odd-numbered year. Public notice
31 of such elections shall be published by the governing authority in a newspaper of general
32 circulation in the municipality at least 30 days prior to the elections.

1 21-2-10.

2 At the November election to be held in the year 1964 and every fourth year thereafter, there
3 shall be elected by the electors of this state persons to be known as electors of President
4 and Vice President of the United States and referred to in this chapter as presidential
5 electors, equal in number to the whole number of senators and representatives to which this
6 state may be entitled in the Congress of the United States.

7 21-2-11.

8 The presidential electors chosen pursuant to Code Section 21-2-10 shall assemble at the
9 seat of government of this state at 12:00 Noon of the day which is, or may be, directed by
10 the Congress of the United States and shall then and there perform the duties required of
11 them by the Constitution and laws of the United States.

12 21-2-12.

13 If any such presidential elector shall die, or for any cause fail to attend at the seat of
14 government at the time appointed by law, the presidential electors present shall proceed to
15 choose by voice vote a person of the same political party or body, if any, as such deceased
16 or absent presidential elector, to fill the vacancy occasioned thereby; and immediately after
17 such choice the name of the person so chosen shall be transmitted by the presiding officer
18 of the college to the Governor, who shall immediately cause notice of his or her election
19 in writing to be given to such person. The person so elected, and not the person in whose
20 place he or she shall have been chosen, shall be a presidential elector and shall, with the
21 other presidential electors, perform the duties required of them by the Constitution and laws
22 of the United States.

23 21-2-13.

24 Each presidential elector shall receive from the state treasury the sum of \$50.00 for every
25 day spent in traveling to, remaining at, and returning from the place of meeting and shall
26 be entitled to mileage at the rate of 10¢ per mile to and from his or her home. The
27 reasonable expenses of the electoral college shall likewise be paid by the director of the
28 Office of Treasury and Fiscal Services, in both cases upon warrants drawn by the presiding
29 officer of the college.

30 21-2-14.

31 Unless otherwise stated in a specific Code section of this chapter, time periods under this
32 chapter include Saturdays, Sundays, and legal holidays. When the last day for the exercise
33 of any privilege or the discharge of any duty prescribed or required by this chapter shall fall

on a Saturday, Sunday, or legal holiday, the next succeeding business day shall be the last day for the exercise of such privilege or the discharge of such duty.

21-2-15.

This chapter shall apply to any general or special election in this state to fill any federal, state, county, or municipal office, to any general or special primary ~~to nominate candidates~~ for any such office, and to any federal, state, county, or municipal election or primary for any other purpose whatsoever, unless otherwise provided.

21-2-16.

The provisions of this chapter, so far as they are the same as those of existing laws, are intended as a continuation of such laws and not as new enactments. Unless otherwise provided in this chapter, this chapter shall repeal any conflicting provision or provisions of any municipal act in conflict with this chapter. The repeal by this chapter of any Act of the General Assembly or any municipal corporation, or part thereof, shall not revive any Act, or part thereof, heretofore repealed or superseded. This chapter shall not affect any act done, liability or penalty incurred, right accrued or vested, or nomination made prior to the taking effect of this chapter; nor shall they affect any action or prosecution then pending or to be instituted, to enforce any right or penalty then accrued or to punish any offense theretofore committed.

21-2-17.

(a) This Code section shall apply only to counties with a population of 425,000 or more according to the United States decennial census of 1990 or any future such census.

(b) When a candidate for election to clerk of the state court of a county is required by law at any time before election to name the person whom such candidate will appoint as chief deputy if elected to office, the ballot for office shall include, below the name of the candidate, the name of each candidate's designated chief deputy, labeled as such.

(c) This Code section shall not be construed to require any action to fill a vacancy in the position of chief deputy of clerk of the state court of a county.

ARTICLE 2

PART I

Subpart I

21-2-30.

(a) There is created a state board to be known as the State Election Board, to be composed of the Secretary of State, an elector to be elected by a majority vote of the Senate of the General Assembly at its regular session held in each odd-numbered year, an elector to be elected by a majority vote of the House of Representatives of the General Assembly at its regular session held in each odd-numbered year, and a member of each political party to be nominated and appointed in the manner provided in this Code section. No person while a member of the General Assembly shall serve as a member of the board.

(b) A member elected by a house of the General Assembly shall take office on the day following the adjournment of the regular session in which elected and shall serve for a term of two years and until his or her successor is elected and qualified, unless sooner removed. An elected member of the board may be removed at any time by a majority vote of the house which elected him or her. In the event a vacancy should occur in the office of such a member of the board at a time when the General Assembly is not in session, then the President of the Senate shall thereupon appoint an elector to fill the vacancy if the prior incumbent of such office was elected by the Senate or appointed by the President of the Senate; and the Speaker of the House of Representatives shall thereupon appoint an elector to fill the vacancy if the prior incumbent of such office was elected by the House of Representatives or appointed by the Speaker of the House of Representatives. A member appointed to fill a vacancy may be removed at any time by a majority vote of the house whose presiding officer appointed him or her.

(c) Within 30 days after April 3, 1968, the state executive committee of each political party shall nominate a member of its party to serve as a member of the State Election Board and, thereupon, the Governor shall appoint such nominee as a member of the board to serve for a term of two years from the date of the appointment and until his or her successor is elected and qualified, unless sooner removed. Thereafter, such state executive committee shall select a nominee for such office on the board within 30 days after a vacancy occurs in such office and shall also select a nominee at least 30 days prior to the expiration of the term of each incumbent nominated by it; and each such nominee shall be immediately appointed by the Governor as a member of the board to serve for the unexpired term in the case of a vacancy, and for a term of two years in the case of an expired term. Each successor, other than one appointed to serve an unexpired term, shall serve for a term of two years; and the terms shall run consecutively from the date of the initial gubernatorial

1 appointment. No person shall be eligible for nomination by such state executive committee
2 unless he or she is an elector and a member in good standing of the political party of the
3 committee. Such a member shall cease to serve on the board and his or her office shall be
4 abolished if and when his or her political organization shall cease to be a 'political party'
5 as defined in Code Section 21-2-2.

6 (d) The Secretary of State shall be the chairperson of the board. Three members of the
7 board shall constitute a quorum, and no vacancy on the board shall impair the right of the
8 quorum to exercise all the powers and perform all the duties of the board. The board shall
9 adopt a seal for its use and bylaws for its own government and procedure.

10 (e) Meetings shall be held whenever necessary for the performance of the duties of the
11 board on call of the chairperson or two of its members. Minutes shall be kept of all
12 meetings of the board and a record kept of the vote of each member on all questions
13 coming before the board. The chairperson shall give to each member of the board prior
14 notice of the time and place of each meeting of the board.

15 (f) If any member of the board, other than the Secretary of State, shall qualify as a
16 candidate for any public office which is to be voted upon in any primary or election
17 regulated by the board, that member's position on the board shall be immediately vacated
18 and such vacancy shall be filled in the manner provided for filling other vacancies on the
19 board.

20 21-2-31.

21 It shall be the duty of the State Election Board:

22 (1) To supervise and coordinate the work of the office of the Secretary of State,
23 superintendents, registrars, deputy registrars, poll officers, and other officials so as to
24 obtain uniformity in their practices and proceedings and legality and purity in all
25 primaries and elections;

26 (2) To formulate, adopt, and promulgate such rules and regulations, consistent with law,
27 as will be conducive to the fair, legal, and orderly conduct of primaries and elections;
28 and, upon the adoption of each rule and regulation, the board shall promptly file certified
29 copies thereof with the Secretary of State and each superintendent;

30 (3) To publish and furnish to primary and election officials, from time to time, a
31 sufficient number of indexed copies of all primary and election laws and pertinent rules
32 and regulations then in force;

33 (4) To publish and distribute such explanatory pamphlets regarding the interpretation and
34 application of primary and election laws as in the opinion of the board should be
35 distributed to the electorate;

(5) To investigate, or authorize the Secretary of State to investigate, when necessary or advisable the administration of primary and election laws and frauds and irregularities in primaries and elections and to report violations of the primary and election laws either to the Attorney General or the appropriate district attorney who shall be responsible for further investigation and prosecution. Nothing in this paragraph shall be so construed as to require any complaining party to request an investigation by the board before such party might proceed to seek any other remedy available to that party under this chapter or any other provision of law;

(6) To make such recommendations to the General Assembly as it may deem advisable relative to the conduct and administration of primaries and elections;

(7) To promulgate rules and regulations to define uniform and nondiscriminatory standards concerning what constitutes a vote and what will be counted as a vote for each category of voting system used in this state;

(8) To employ such assistants as may be necessary; and

(9) To take such other action, consistent with law, as the board may determine to be conducive to the fair, legal, and orderly conduct of primaries and elections.

21-2-32.

(a) The State Election Board shall have the right to institute or to intervene as a party in any action in any court of this state or of the United States, seeking mandamus, injunction, or other relief, to compel compliance with any election or primary law of the state or with any valid rule or regulation of the board, or to restrain or otherwise prevent or prohibit any fraudulent or other illegal conduct in connection therewith, including the right to seek such relief for any anticipatory breach.

(b) Any petition seeking any of the relief authorized in subsection (a) of this Code section shall be filed in the superior court of the county of residence of the superintendent charged with the conduct of the election or primary in which it is alleged that there was or will be fraud or other illegal conduct or, in the case of municipal primaries and elections, in the county in which the city hall is located.

(c) Upon the filing of such petition, the clerk of superior court having jurisdiction shall immediately notify the administrative judge for the judicial administrative district in which the county lies, or the district court administrator, who shall immediately notify the administrative judge, of the institution of proceedings under this article. If the county in which the proceedings were instituted is not in the circuit of the administrative judge, the administrative judge shall select a superior court judge from within the district, but not from the circuit in which the proceeding was instituted, or a senior judge who is not a

1 resident of the circuit in which the proceeding was instituted, to preside over the
2 proceeding.

3 (d) If the administrative judge is a member of the circuit in which the proceeding was filed,
4 or if the other judges of the district are unable or are unwilling to preside over the
5 proceeding, or if the other judges of the district are judges of the circuit in which the
6 proceeding was filed, then the administrative judge shall select an administrative judge of
7 an adjoining district to select a superior court judge from that district, or a superior court
8 judge from the district in which the proceeding was filed, but not the circuit in which the
9 proceeding was filed, or a senior judge who is not a resident of the circuit wherein the
10 proceeding was filed. In the event any temporary order is sought, the petition may be
11 presented to the administrative judge prior to its filing for consideration of the application
12 for such order. If the petition upon which temporary relief is sought prior to the filing will
13 be filed in any county of the circuit of the administrative judge, then the petition may be
14 presented to the administrative judge of an adjoining district prior to its filing for
15 consideration of the application for such order.

16 (e) After a judge has agreed to preside over the case, the administrative judge who selected
17 the judge to hear the matter shall enter an order in the superior court of the county where
18 the proceeding was filed appointing such judge, and such judge shall promptly begin
19 presiding over such proceedings in such court and shall determine same as soon as
20 practicable. Such judge shall be reimbursed for his or her actual expenses for food and
21 lodging and shall receive the same mileage as any other state officials and employees.
22 Senior judges shall be entitled to compensation and reimbursement as the law provides for
23 senior judge service.

24 (f) If, in the opinion of the judge presiding over such cause, adequate relief cannot
25 otherwise be granted to assure compliance with said laws, rules, and regulations, the judge
26 may enter such order concerning the conduct of such election or primary which he or she
27 shall deem necessary to assure compliance, including the right to require such election or
28 primary to be held under the supervision of the State Election Board.

29 (g) Upon any action being filed in any court of this state seeking relief affecting the
30 calling, holding, conduct, determination, result, tabulation, or certification of any election
31 or primary, except those instituted by the State Election Board, a copy of the proceeding
32 shall be served upon such board by mailing a copy of same to the chairperson by certified
33 or registered mail or statutory overnight delivery; and a certificate that such service has
34 been made shall be filed by the plaintiff or the plaintiff's attorney.

35 (h) Any verdict, judgment, decree, order, ruling, or other judicial action in such cases shall
36 be subject to review by the appellate court having jurisdiction thereof. It shall be the duty

1 of the proper appellate court to consider application for stays or supersedeas in such cases
2 without regard to whether any appeal has been filed or the record docketed in such cases.

3 21-2-33.

4 The State Election Board may examine under oath any person concerning any matter
5 connected with or bearing on the proper discharge of its duties; and any member of the
6 board may administer such oath. The board shall have full power to subpoena persons and
7 papers and to compel the witnesses to answer under oath touching any questions which
8 may properly come before the board and to take, through its agent, the depositions of
9 witnesses. The board, in investigating the administration of primary and election laws
10 within a county or any frauds or irregularities in primaries and elections held therein, shall
11 conduct each hearing concerning same at a place within such county. No witness shall be
12 compelled to attend if he or she should reside more than 100 miles from the place of
13 hearing by the nearest practical route; provided, however, that the board may compel the
14 taking of his or her testimony by deposition in the county of the residence of the witness.
15 The sheriff of any county, or his or her deputy, or agent of the board shall serve all
16 processes issued by the board; or the same may be served by registered or certified mail or
17 statutory overnight delivery; and the production of an appropriate return receipt issued by
18 the post office or commercial delivery firm shall constitute prima-facie evidence of such
19 service. In case of the refusal of any person subpoenaed to attend or testify, such facts shall
20 be reported forthwith by the board to the appropriate superior court, or to a judge thereof,
21 and such court or judge shall order such witness to attend and testify. On failure or refusal
22 to obey such order, such witness shall be dealt with as for contempt. Any witness so
23 subpoenaed, and after attending, shall be allowed and paid the same mileage and fee as
24 now allowed and paid witnesses in civil actions in the superior court.

25 21-2-33.1.

26 (a) The State Election Board is vested with the power to issue orders, after the completion
27 of appropriate proceedings, directing compliance with this chapter or prohibiting the actual
28 or threatened commission of any conduct constituting a violation, which order may include
29 a provision requiring the violator:

30 (1) To cease and desist from committing further violations;

31 (2) To pay a civil penalty not to exceed \$5,000.00 for each violation of this chapter or
32 for each failure to comply with any provision of this chapter or of any rule or regulation
33 promulgated under this chapter. Such penalty may be assessed against an individual, a
34 governing authority which employs or compensates an individual, or both, as the State
35 Election Board deems appropriate;

1 (3) To publicly reprimand an individual or governing authority found to have committed
2 a violation;

3 (4) To require that restitution be paid to a state, county, or city governing authority when
4 it has suffered a monetary loss or damage as the result of a violation;

5 (5) To require individuals to attend training as specified by the board; and

6 (6) To assess investigative costs incurred by the board against an individual or the
7 governing authority which employs or compensates an individual found to have
8 committed a violation.

9 (b) A civil penalty shall not be assessed against any person except after notice and hearing
10 as provided by Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' In
11 addition to the State Election Board, any contested case may be held before any
12 representative of such board who has been selected and appointed by such board for such
13 purpose. The amount of any civil penalty finally assessed shall be recoverable by a civil
14 action brought in the name of the State Election Board. All moneys recovered pursuant to
15 this Code section shall be deposited in the state treasury.

16 (c) The Attorney General of this state shall, upon complaint by the State Election Board,
17 or may, upon the Attorney General's own initiative if after examination of the complaint
18 and evidence the Attorney General believes a violation has occurred, bring an action in the
19 superior court in the name of the State Election Board for a temporary restraining order or
20 other injunctive relief or for civil penalties assessed against any person violating any
21 provision of this chapter or any rule or regulation duly issued by the State Election Board.

22 (d) Any action brought by the Attorney General to enforce civil penalties assessed against
23 any person for violating the provisions of this chapter or any rule or regulation duly issued
24 by the State Election Board or any order issued by the State Election Board ordering
25 compliance or to cease and desist from further violations shall be brought in the superior
26 court of the county of the residence of the party against whom relief is sought. Service of
27 process shall lie in any jurisdiction within the state. In such actions, the superior court
28 inquiry will be limited to whether notice was given by the State Election Board to the
29 violator in compliance with the Constitution and the rules of procedure of Chapter 13 of
30 Title 50, the 'Georgia Administrative Procedure Act.' Upon satisfaction that notice was
31 given and a hearing was held pursuant to Chapter 13 of Title 50, the 'Georgia
32 Administrative Procedure Act,' the superior court shall enforce the orders of the State
33 Election Board and the civil penalties assessed under this chapter and the superior court
34 shall not make independent inquiry as to whether the violations have occurred.

35 (e) In any action brought by the Attorney General to enforce any of the provisions of this
36 chapter or of any rule or regulation issued by the State Election Board, the judgment, if in
37 favor of the State Election Board, shall provide that the defendant pay to the State Election

Board the costs, including reasonable attorneys' fees, incurred by the State Election Board in the prosecution of such action.

21-2-34.

Each member of the State Election Board shall receive a per diem in an amount equal to the per diem received by members of the General Assembly for each day or portion thereof spent in serving as members of the State Election Board. Each member of the State Election Board shall be paid his or her necessary traveling expenses while engaged in the business of the State Election Board.

Subpart 2

21-2-40.

(a) The General Assembly may by local Act create a board of elections in any county of this state and empower the board with the powers and duties of the election superintendent relating to the conduct of primaries and elections.

(b) The General Assembly may by local Act create a board of elections and registration in any county of this state and empower the board with the powers and duties of the election superintendent relating to the conduct of primaries and elections and with the powers and duties of the board of registrars relating to the registration of voters and absentee balloting procedures.

Subpart 3

21-2-45.

(a) The General Assembly may by local Act create a joint county-municipal board of elections in any county of this state for that county and any municipality located wholly or partially within that county and empower the board with the powers and duties of the election superintendent of that county and municipality with regard to the conduct of primaries and elections.

(b) The General Assembly may by local Act create a joint county-municipal board of elections and registration in any county of this state for that county and any municipality located wholly or partially within that county and empower the board with the powers and duties of the election superintendent of that county and municipality with regard to the conduct of primaries and elections and empower the board with the powers and duties of the registrars and board of registrars of that municipality and county with regard to the registration of voters and absentee-balloting procedures.

(c) The governing authority of any municipality may authorize any county within which that municipality wholly or partially lies to conduct any or all elections held pursuant to this chapter. In the event a municipality shall by ordinance authorize such county to conduct elections, such municipality may request such county to perform any or all of the functions:

(1) That the county shall perform all duties as superintendent of elections as specified under this chapter;

(2) That the county shall perform all duties as superintendent of elections as specified under this chapter, with the exception of the qualification of candidates; or

(3) That the county shall lease or loan any or all of its election equipment to the municipality for the purpose of conducting municipal elections without any responsibility on the part of the county for the actual conduct of the municipal election.

With reference to any election, such municipality shall pay such county all costs incurred in performing those functions which the municipality has requested the county to perform; and, unless otherwise authorized, such county shall only perform those functions specifically enumerated in the contract. Such county shall have authority to conduct elections in any and all counties in which any part of such municipality may lie.

21-2-45.1.

(a) The governing authority of a county, municipality, or political subdivision desiring to incur bonded debt in accordance with the provisions of the Constitution of Georgia shall call a special election to be held on a certain day for the purpose of submitting to the electorate the question of whether such bonded debt shall be incurred. The governing authority shall publish notice of such election once a week for a period of four weeks immediately preceding the day of the election in a newspaper which publishes the sheriff's advertisements for the county containing all or the largest part of the area of the county, municipality, or political subdivision involved. Such notice shall specify (1) the date of the election and the question to be submitted to the electorate, and (2) the principal amount of bonds to be issued, the purpose for which such bonds are to be issued, the interest rate or rates such bonds are to bear, and the amount of principal to be paid in each year during the life of such bonds; provided, however, that the governing authority, in lieu of specifying the rate or rates of interest which such bonds are to bear, may specify in the notice that such bonds when issued will bear interest at a rate not exceeding a maximum per annum rate of interest as stated in the notice or that, in the event such bonds are to bear different rates of interest for different maturity dates, none of such rates will exceed the maximum rates stated in the notice.

- (b) The date of a municipal bond election shall be specified by the governing authority of the municipality. Such date shall not be less than 30 days after call of such bond election.
- (c) Nothing contained in this Code section shall prohibit the issuer from selling such bonds at a discount, even if in so doing the effective interest cost resulting therefrom would exceed the maximum per annum interest rate specified in the notice of the election.

PART 2

21-2-50.

(a) The Secretary of State shall exercise all the powers granted to the Secretary of State by this chapter and shall perform all the duties imposed by this chapter, which shall include the following:

(1) To determine the forms of ~~nomination petitions~~, ballots, and other forms the Secretary of State is required to determine under this chapter;

(2) To receive registration statements from political parties and bodies and to determine their sufficiency prior to filing, in accordance with this chapter, and to settle any disputes concerning such statements;

(3) ~~To receive and determine the sufficiency of nomination petitions of candidates filing notice of their candidacy with the Secretary of State in accordance with this chapter~~
Reserved;

(4) To certify to the proper superintendent official lists of all the ~~political party candidates who have been certified to the Secretary of State as~~ qualified candidates for the succeeding primary and to certify to the proper superintendent official lists of all the candidates who have filed their notices of candidacy with the Secretary of State, both such certifications to be in substantially the form of the ballots to be used in the primary or election. The Secretary of State shall add to such form the language to be used in submitting any proposed constitutional amendment or other question to be voted upon at such election;

(5) To furnish to the proper superintendent all blank forms, including tally and return sheets, numbered lists of voters, cards of instructions, notices of penalties, instructions for marking ballots, tally sheets, precinct returns, recap sheets, consolidated returns, oaths of managers and clerks, oaths of assisted electors, voters certificates and binders, applications for absentee ballots, envelopes and instruction sheets for absentee ballots, and such other supplies as the Secretary of State shall deem necessary and advisable from time to time, for use in all elections and primaries. Such forms shall have printed thereon appropriate instructions for their use;

(6) To receive from the superintendent the returns of primaries and elections and to canvass and compute the votes cast for candidates and upon questions, as required by this chapter;

(7) To furnish upon request a certified copy of any document in the Secretary of State's custody by virtue of this chapter and to fix and charge a fee to cover the cost of furnishing same;

(8) To perform such other duties as may be prescribed by law;

(9) To determine and approve the form of ballots for use in special elections;

(10) To prepare and provide a notice to all candidates for federal or state office advising such candidates of such information, to include requirements of this chapter, as may, in the discretion of the Secretary of State, be conducive to the fair, legal, and orderly conduct of primaries and elections. A copy of such notice shall be provided to each superintendent for further distribution to candidates for county and militia district offices;

(11) To conduct training sessions at such places as the Secretary of State deems appropriate in each year, for the training of registrars and superintendents of elections;

(12) To prepare and publish, in the manner provided in this chapter, all notices and advertisements in connection with the conduct of elections which may be required by law;

(13) To prepare and furnish information for citizens on voter registration and voting;

(14) To maintain the official list of registered voters for this state and the list of inactive voters required by this chapter; and

(15) To develop, program, and build ballots for use by counties and municipalities on direct recording electronic (DRE) voting systems in use in the state.

(b) As the state's chief election official, the Secretary of State shall not serve in any fiduciary capacity for the campaign of any candidate whose election will be certified by the Secretary of State. Nothing in this subsection shall prohibit the Secretary of State from organizing and operating his or her own campaign for election to public office.

21-2-50.1.

In the event the Governor declares that a state of emergency or disaster exists pursuant to Code Section 38-3-51 or a federal agency declares that a state of emergency or disaster exists, the Secretary of State is authorized to postpone or extend the qualifying periods provided in this chapter for the qualification of candidates seeking municipal, county, or state-wide office and to postpone the date of any primary, special primary, election, or special election in the affected area. The Secretary of State shall exercise the powers granted by this Code section carefully, and any such postponement or extension shall not exceed 45 days.

1 21-2-50.2.

2 (a) The Secretary of State, as the chief election official designated under the federal Help
3 America Vote Act of 2002, shall be responsible for coordinating the obligations of the state
4 under the federal Help America Vote Act of 2002.

5 (b) As the chief election official, the Secretary of State is authorized to promulgate rules
6 and regulations to establish administrative complaint procedures as required under Section
7 402 of Title IV of the federal Help America Vote Act of 2002, which prescribes a process
8 to remedy only those grievances filed under Title III of such federal act.

9 (c) Election related complaints filed with the Secretary of State alleging violations of Title
10 III of the federal Help America Vote Act of 2002 shall not be subject to hearing procedures
11 of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' but shall be resolved
12 pursuant to rules and regulations promulgated under subsection (b) of this Code section
13 whereby the Secretary of State shall have the authority to issue a final order for complaints
14 filed under the federal Help America Vote Act of 2002.

15 21-2-51.

16 Except when otherwise provided by law and particularly subject to the protections afforded
17 by paragraph (2) of Code Section 21-2-2.1, the primary and election records of the
18 Secretary of State, including registration statements, ~~nomination petitions~~, affidavits,
19 certificates, tally papers, returns, accounts, contracts, reports, and other documents in his
20 or her custody shall be open to public inspection and may be inspected and copied by any
21 elector of the state during usual business hours at any time when they are not necessarily
22 being used by the Secretary of State or his or her employees having duties to perform in
23 reference thereto; provided, however, that such public inspection thereof shall only be in
24 the presence of the Secretary of State or his or her employee and shall be subject to proper
25 regulation for the safekeeping of such documents and subject to the further provisions of
26 this chapter.

27 21-2-52.

28 All primary and election documents in the office of the Secretary of State shall be
29 preserved therein for a period of at least 24 months; and then the same may be destroyed
30 unless otherwise provided by law.

31 21-2-70.

32 Each superintendent within his or her county or municipality shall exercise all the powers
33 granted to him or her by this chapter and shall perform all the duties imposed upon him or
34 her by this chapter, which shall include the following:

- 1 (1) To receive and act upon all petitions presented by electors, the board of registrars, or
- 2 the county executive committee of a political party for the division, redivision, alteration,
- 3 change, or consolidation of precincts;
- 4 (2) ~~To receive and determine the sufficiency of nomination petitions of candidates filing~~
- 5 ~~notice of their candidacy with him or her in accordance with this chapter~~ Reserved;
- 6 (3) To prepare and publish, in the manner provided by this chapter, all notices and
- 7 advertisements, in connection with the conduct of elections, which may be required by
- 8 law, and to transmit immediately to the Secretary of State a copy of any publication in
- 9 which a call for a special primary, ~~election, or runoff~~ or election is issued;
- 10 (4) To select and equip polling places for use in primaries and elections in accordance
- 11 with this chapter;
- 12 (5) To purchase, except voting machines, preserve, store, and maintain election
- 13 equipment of all kinds, including voting booths and ballot boxes and to procure ballots
- 14 and all other supplies for primaries and elections;
- 15 (6) To appoint poll officers and other officers to serve in primaries and elections in
- 16 accordance with this chapter;
- 17 (7) To make and issue such rules, regulations, and instructions, consistent with law,
- 18 including the rules and regulations promulgated by the State Election Board, as he or she
- 19 may deem necessary for the guidance of poll officers, custodians, and electors in
- 20 primaries and elections;
- 21 (8) To instruct poll officers and others in their duties, calling them together in meetings
- 22 whenever deemed advisable, and to inspect systematically and thoroughly the conduct
- 23 of primaries and elections in the several precincts of his or her county to the end that
- 24 primaries and elections may be honestly, efficiently, and uniformly conducted;
- 25 (9) To receive from poll officers the returns of all primaries and elections, to canvass and
- 26 compute the same, and to certify, as soon as practicable following the primary and
- 27 election, the results thereof to such authorities as may be prescribed by law;
- 28 (10) To announce publicly, by posting in his or her office, the results of all primaries and
- 29 elections held in his or her county;
- 30 (11) In any general election at which a proposal to amend the Constitution or to provide
- 31 for a new Constitution is submitted to the electors for ratification, the election
- 32 superintendent shall provide copies of the summary of such proposal prepared pursuant
- 33 to Article X, Section I, Paragraph II of the Constitution as provided in this paragraph. A
- 34 reasonable number of copies of such summary shall be conspicuously available in each
- 35 polling place;
- 36 (12) To prepare annually a budget estimate of his or her expenses under this chapter, in
- 37 which shall be set forth an itemized list of expenditures for the preceding two years and

1 an itemized estimate of the amount of money necessary to be appropriated for the ensuing
2 year and to submit the same at the time and in the manner and form other budget
3 estimates of his or her county are now or may hereafter be required to be filed;

4 (13) To conduct all elections in such manner as to guarantee the secrecy of the ballot and
5 to perform such other duties as may be prescribed by law;

6 (14) To become certified by satisfactorily completing a certification program approved
7 by the Secretary of State no later than January 1, 2007. Such program may include
8 instruction on, and may require the superintendent to demonstrate proficiency in, the
9 operation of the state's direct recording electronic voting equipment and in state and
10 federal law and procedures related to elections. In the case of boards of elections or
11 boards of elections and registration, this requirement may be satisfied either by the
12 certification of the members of the board or the board's designee; and

13 (15) To take an oath in the following form:

14 I, _____, do swear (or affirm) that I will as superintendent
15 duly attend the ensuing election (or primary) during the continuance thereof, that I will
16 to the best of my ability prevent any fraud, deceit, or abuse in carrying on the same, that
17 I will make a true and perfect return of the said election (or primary), and that I will at
18 all times truly, impartially, and faithfully perform my duties in accordance with Georgia
19 laws to the best of my judgment and ability.

20 PART 3

21 21-2-70.1.

22 (a) The municipal superintendent shall conduct, in accordance with this chapter, all
23 municipal elections held within his or her municipality.

24 (b) The municipal superintendent shall be a person or committee selected by the governing
25 authority of the municipality in a public meeting, and such selection shall be recorded in
26 the minutes of such meeting. The municipal superintendent shall receive compensation
27 fixed and paid by the governing authority of the municipality from municipal funds. The
28 appointment shall be made in a public meeting, and the appointment shall be recorded in
29 the minutes of said meeting. In the event that a municipality fails to make an appointment,
30 the city clerk shall serve as the municipal superintendent. A parent, spouse, child, brother,
31 sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or
32 sister-in-law of a candidate shall not be eligible to serve as a municipal superintendent in
33 any primary or election in which such candidate's name appears on the ballot.

34 (c) As prescribed and directed by the Secretary of State, the municipal superintendent or,
35 in the case of a board of elections or board of elections and registration, its designee shall

1 satisfactorily complete a certification program approved by the Secretary of State no later
2 than January 1, 2007. Such program may include instruction on, and may require the
3 superintendent to demonstrate proficiency in, the operation of the voting equipment used
4 in such superintendent's municipality and in state and federal law and procedures related
5 to elections.

6 21-2-71.

7 The governing authority of each county or municipality shall appropriate annually and from
8 time to time, to the superintendent of such county or municipality, the funds that it shall
9 deem necessary for the conduct of primaries and elections in such county or municipality
10 and for the performance of his or her other duties under this chapter, including:

11 (1) Compensation of the poll officers, custodians, and other assistants and employees
12 provided for in this chapter;

13 (2) Expenditures and contracts for expenditures by the superintendent for polling places;

14 (3) Purchase or printing, under contracts made by the superintendent, of all ballots and
15 other election supplies required by this chapter, or which the superintendent shall
16 consider necessary to carry out the provisions of this chapter;

17 (4) Maintenance of all voting equipment required by this chapter, or which the
18 superintendent shall consider necessary to carry out this chapter; and

19 (5) All other expenses arising out of the performance of his or her duties under this
20 chapter.

21 21-2-72.

22 Except when otherwise provided by law or court order, the primary and election records
23 of each governing authority, superintendent, registrar, and committee of a political party
24 or body, including registration statements, ~~nomination petitions~~, affidavits, certificates,
25 tally papers, returns, accounts, contracts, reports, and other documents in official custody,
26 except the contents of voting machines, shall be open to public inspection and may be
27 inspected and copied by any elector of the county during usual business hours at any time
28 when they are not necessarily being used by the custodian or his or her employees having
29 duties to perform in reference thereto; provided, however, that such public inspection shall
30 only be in the presence of the custodian or his or her employee and shall be subject to
31 proper regulation for the safekeeping of such documents and subject to the further
32 provisions of this chapter. The custodian shall also, upon request, if photocopying
33 equipment is available in the building in which the records are housed, make and furnish
34 to any member of the public copies of any of such records upon payment of the actual cost
35 of copying the records requested.

1 21-2-73.

2 All primary and election documents on file in the office of the election superintendent of
3 each county, governing authority, superintendent, registrar, committee of a political party
4 or body, or other officer shall be preserved therein for a period of at least 24 months and
5 then the same may be destroyed unless otherwise provided by law.

6 21-2-74.

7 (a) If a county does not have a board of elections and if the judge of the probate court of
8 that county is a candidate, with opposition, for any public office in a primary or election,
9 a board to be composed of the judge of the probate court who shall serve as chairperson,
10 of an elector of the county named by the state Democratic executive committee, and of an
11 elector of the county named by the state Republican executive committee shall assume the
12 duties of the election superintendent for any such primary or election.

13 (b) In selecting a person to serve, the state executive committee is authorized to seek the
14 recommendation of the county executive committee, if any; persons from the county who
15 are active in the party; persons who are present or former officials in the party; persons who
16 hold political office or who have sought political office as candidates of the party; and such
17 other persons as the committee shall desire to consult.

18 (c) Within five days after the close of qualifying, the judge of the probate court shall notify
19 the state Democratic and Republican party executive committees in writing of the need to
20 appoint a member of the board. The state executive committees shall have 14 days from
21 the close of qualifying to appoint their respective members of the board. If the state
22 executive committee of a party has not notified the judge of the probate court of its
23 appointment by the close of business on the fourteenth day after the close of qualifying, the
24 judge of the probate court shall notify the chief judge of the superior court of the county.
25 The chief judge shall appoint an elector of the county to serve on the board within seven
26 days following the notice from the judge of the probate court. A board member may resign
27 by giving written notice to the probate judge. In the event of the death, resignation, or other
28 vacancy of the position of an appointed board member, the probate judge shall immediately
29 notify the state executive committee of the appropriate party of such vacancy, and the state
30 executive committee shall promptly fill such vacancy. If the state executive committee has
31 not filled such vacancy within seven days after notification of such vacancy by the probate
32 judge, the probate judge shall notify the chief judge of the superior court of the county of
33 such vacancy and the chief judge shall appoint a person to serve within seven days after
34 being so notified.

35 (d) The judge of the probate court shall swear in the other board members and shall
36 instruct the other board members concerning their duties on the board. The board members

1 shall begin service on the board on the date on which they take their oath as members of
2 the board and shall serve until the judge of the probate court no longer has opposition or
3 is no longer a candidate for public office, whichever comes first.

4 (e) Appointed board members shall receive a per diem of \$55.00 per day for each day of
5 service on the business of the board. Such fees shall be paid from county funds.

6 21-2-75.

7 (a) No person who holds elective public office, as defined in this chapter and including
8 every municipal office to which persons can be elected by a vote of the electors under the
9 laws of this state, shall be eligible to serve as a member of a county board of elections
10 during the term of such elective office; and the position of any county board of elections
11 member shall be deemed vacant upon such member's qualifying as a candidate for elective
12 public office, as defined in this chapter and including any municipal office to which
13 persons can be elected by a vote of the electors under the laws of this state.

14 (b) No person who holds office in a political party at any level of such political party shall
15 be eligible to serve as chairperson of a county board of elections during the term of such
16 political party office. On and after April 15, 1996, the position of any chairperson of a
17 county board of elections shall be deemed vacant upon such chairperson's assuming a
18 political party office.

19 21-2-76.

20 No person who holds elective office, as defined in this chapter and including every
21 municipal office to which persons can be elected by a vote of the electors under the laws
22 of this state but excluding the office of probate judge, shall be eligible to serve as county
23 or municipal election superintendent during the term of such elective office; and the
24 position of any election superintendent other than a probate judge shall be deemed vacant
25 upon such superintendent's qualifying as a candidate for elective public office, as defined
26 in this chapter and including any municipal office to which persons can be elected by a vote
27 of the electors under the laws of this state.

28 21-2-77.

29 (a) Beginning with the election cycle in the year 2000, the superintendent of elections of
30 each county shall provide electronically to the Secretary of State, within 45 days after the
31 close of voting, election returns divided by precinct for each precinct in their respective
32 counties for all primaries, elections, special primaries, and special elections, ~~and runoffs~~
33 ~~for such elections~~ for federal or state offices held in that year or any following year.

(b) Beginning with the election cycle in the year 2002, the superintendent of elections of each county shall provide electronically to the Secretary of State, within seven days after the close of voting, election returns divided by precinct for each precinct in their respective counties for all primaries, elections, special primaries, and special elections, ~~and runoffs for such elections~~ for federal, state, and county offices held in that year or any following year.

(c) The Secretary of State is authorized to prescribe by rule or regulation the type of electronic format for the provision of such election returns.

PART 4

21-2-90.

All elections and primaries shall be conducted in each precinct by a board consisting of a chief manager, who shall be chairperson of such board, and two assistant managers assisted by clerks. The managers of each precinct shall be appointed by the superintendent or, in the case of municipal elections, by the governing authority. If the political parties involved elect to do so, they may submit to the superintendent or governing authority, for consideration in making such appointment, a list of qualified persons. When such lists are submitted to the appropriate office, the superintendent or governing authority, insofar as practicable, shall make appointments so that there shall be equal representation on such boards for the political parties involved in such elections or primaries. The superintendent or governing authority shall make each appointment by entering an order which shall remain of record in the appropriate office and shall transmit a copy of such order to the appointee. The order shall include the name and address of the appointee, his or her title, and a designation of the precinct and primary or election in which he or she is to serve.

21-2-91.

Prior to the opening of the polls in each precinct at each primary and election, the superintendent shall appoint a sufficient number of clerks to serve therein at such primary or election. If additional clerks are required during the day for the purpose of counting ballots, or for other purposes, the superintendent may appoint same.

1 21-2-92.

2 (a) Poll officers appointed pursuant to Code Sections 21-2-90 and 21-2-91 shall be
3 judicious, intelligent, and upright citizens of the United States, residents of the county in
4 which they are appointed or, in the case of municipal elections, residents of the
5 municipality in which the election is to be held or of the county in which that municipality
6 is located, 16 years of age or over, and shall be able to read, write, and speak the English
7 language. No poll officer shall be eligible ~~for any nomination for public office or to be~~
8 voted for at a primary or election at which the poll officer shall serve. No person who is
9 otherwise holding public office, ~~other than a political party office,~~ shall be eligible to be
10 appointed as or to serve as a poll officer. A parent, spouse, child, brother, sister,
11 father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law
12 of a candidate shall not be eligible to serve as a poll officer in any precinct in which such
13 candidate's name appears on the ballot in any primary or election.

14 (b) Notwithstanding the provisions of subsection (a) of this Code section, in the event that
15 a municipal primary or election is held in conjunction with a regular county, state, or
16 federal election, poll officers assigned by the county election superintendent to conduct
17 such county, state, or federal election shall also be authorized to serve as poll officers to
18 conduct such municipal election or primary and shall not be required to be residents of said
19 municipality.

20 21-2-93.

21 Before entering upon their duties at any primary or election, all managers and clerks shall
22 be duly sworn in the presence of each other. The chief manager shall first be sworn by an
23 assistant manager, and the assistant managers and clerks shall then be sworn by the chief
24 manager. Each of them shall immediately sign in duplicate the oath taken by him or her
25 upon forms to be furnished by the superintendent, and the same shall be attested by the
26 officer who administered the oath.

27 21-2-94.

28 The following shall be the form of the oath to be taken by each manager:

29 'I, _____, do swear (or affirm) that I will as manager duly attend the ensuing
30 election (or primary) during the continuance thereof, that I will not admit any person to
31 vote, except such as I shall firmly believe to be registered and entitled to vote at such
32 election (or primary), according to the laws of this state, that I will not vexatiously delay
33 or refuse to permit any person to vote whom I shall believe to be entitled to vote as
34 aforesaid, that I will use my best endeavors to prevent any fraud, deceit, or abuse in
35 carrying on the same, that I will make a true and perfect return of the said election (or

primary), and that I will at all times truly, impartially, and faithfully perform my duties therein to the best of my judgment and ability.'

21-2-95.

The following shall be the form of the oath to be taken by each clerk:

'I, _____, do swear (or affirm) that I will as a clerk attend the ensuing election (or primary) during the continuance thereof, that I will use my best endeavors to prevent any fraud, deceit, or abuse in carrying on the same, and that I will at all times truly, impartially, and faithfully perform my duties therein to the best of my judgment and ability.'

21-2-96.

Each of the managers shall have the power to administer oaths to any person claiming the right to vote or in any matter or thing required to be done or inquired into by them under this chapter.

21-2-97.

Each poll officer, while in the performance of his or her duty, shall display conspicuously upon his or her person a badge showing his or her name and office; and such badge shall be supplied by the superintendent.

21-2-98.

(a) The compensation of managers and clerks serving in elections shall be fixed and paid by the superintendent or, in the case of municipal elections, by the governing authority. Compensation for such poll officers serving in a primary shall be fixed and paid by the superintendent.

(b) Notwithstanding the provisions of subsection (a) of this Code section, in all counties of this state having a population of 200,000 or more according to the United States decennial census of 1990 or any future such census, the minimum compensation for the chief manager shall be \$95.00 per diem; the minimum compensation for each assistant manager shall be \$66.00 per diem; and the minimum compensation for each clerk shall be \$60.00 per diem.

21-2-99.

(a) The election superintendent shall provide adequate training to all poll officers and poll workers regarding the use of voting equipment, voting procedures, all aspects of state and federal law applicable to conducting elections, and the poll officers' or poll workers' duties

1 in connection therewith before the first election in each election cycle. Upon successful
2 completion of such instruction, the superintendent shall give to each poll officer and poll
3 worker a certificate to the effect that such person has been found qualified to conduct such
4 primary or election with the particular type of voting equipment in use in that jurisdiction.
5 Additionally, the superintendent shall notify the Secretary of State on forms to be provided
6 by the Secretary of State of the date when such instruction was held and the number of
7 persons attending and completing such instruction. For the purpose of giving such
8 instructions, the superintendent shall call such meeting or meetings of poll officers and poll
9 workers as shall be necessary. Each poll officer shall, upon notice, attend such meeting or
10 meetings called for his or her instruction.

11 (b) No poll officer or poll worker shall serve at any primary or election unless he or she
12 shall have received instructions, as described in subsection (a) of this Code section; shall
13 have been found qualified to perform his or her duties in connection with the type of voting
14 equipment to be used in that jurisdiction; and shall have received a certificate to that effect
15 from the superintendent; provided, however, that this shall not prevent the appointment of
16 a poll officer or poll worker to fill a vacancy arising on the day of a primary or election or
17 on the preceding day.

18 21-2-100.

19 (a) The election superintendent and at least one registrar of the county or, in counties with
20 boards of election or combined boards of election and registration, at least one member of
21 the board or a designee of the board shall attend a minimum of 12 hours' training annually
22 as may be selected by the Secretary of State. The election superintendent and at least one
23 registrar of each municipality shall attend a minimum of 12 hours' training biennially as
24 may be selected by the Secretary of State.

25 (b) The basis for the minimum requirement of training shall be two calendar years.

26 (c) A waiver of the requirement of minimum training, either in whole or in part, may be
27 granted by the Secretary of State, in the discretion of the Secretary of State, upon the
28 presentation of evidence by the election superintendent, registrar, or board that the
29 individual was unable to complete such training due to medical disability, providential
30 cause, or other reason deemed sufficient by the Secretary of State.

31 (d) The cost of the training shall be borne by the governing authority of each county from
32 county funds and by the municipal governing authority from municipal funds.

33 (e) A superintendent and the governing authority which employs the superintendent may
34 be fined by the State Election Board for failure to attend the training required in this Code
35 section.

(f) The minimum training required under this Code section shall not apply to deputy registrars.

21-2-101.

(a) All election superintendents or, in the case of a board of elections or a board of elections and registration, the designee of such board charged with the daily operations of such board shall become certified by completing a certification program approved by the Secretary of State by no later than January 1, 2007. Such program may include instruction on, and may require the superintendent to demonstrate proficiency in, the operation of the state's direct recording electronic voting equipment and in state and federal law and procedures related to elections. The local government employing the superintendent or designee shall cover the costs, if any, incurred by such superintendent or designee's participation in the certification program. Such certification programs shall be offered by the Secretary of State on multiple occasions before January 1, 2007, and shall not exceed 64 hours of classroom, online, and practical instruction as authorized and approved by the Secretary of State.

(b) A waiver of the certification requirement, either in whole or in part, may be granted by the Secretary of State, in the discretion of the Secretary of State, upon the presentation of evidence by the election superintendent or board that the individual was unable to complete such training due to medical disability, providential cause, or other reason deemed sufficient by the Secretary of State.

(c) A superintendent and the governing authority which employs the superintendent may be fined by the State Election Board for failure to attain the certification required in this Code section.

ARTICLE 3

21-2-110.

(a) The chief executive officer of each political party or body operating in this state shall, within 60 days after the date of its organization or after June 24, 1964, whichever is later, file with the Secretary of State a registration statement setting forth:

- (1) Its name and the date and place of its creation;
- (2) The general purposes for which it was created;
- (3) Certified copies of its charter, bylaws, rules, and regulations, and other documents of like dignity governing its organization and operation;
- (4) The address of its principal office;

(5) The names, home addresses, and titles of the persons composing its governing committee and executive officers; and

(6) Such other information as the Secretary of State may require as necessary or appropriate in the public interest.

(b) The chief executive officer of each municipal executive committee, whose state executive committee has already filed with the Secretary of State as a political party or body, shall promptly file with the city clerk of the municipality and with its state political party or body executive committee a registration statement setting forth:

(1) Its name and certified copies of its charter, bylaws, rules and regulations, and other documents of like dignity governing its organization and operation;

(2) The address of its principal office; and

(3) The names of its members, home addresses, and titles of the persons composing its governing committee and executive officers.

(c) No registration statement of a party, body, or municipal executive committee shall be filed if the name of such party, body, or municipal executive committee is identical with, or deceptively similar to, the name of any other existing party, body, or municipal executive committee which was organized earlier and is eligible at the time to file its registration statement with the Secretary of State.

(d) Within 30 days after the occurrence of a change in the information contained in any registration statement, or prior amendment thereto, the chief executive officer of the party, body, or municipal executive committee filing such statement shall file an amendment thereto setting forth the information necessary to maintain the currency of such statement.

(e) The Secretary of State shall receive a fee of \$10.00 for filing each registration statement required by subsection (a) of this Code section and a fee of \$2.00 for filing each amendment thereto.

(f) A political party, body, or municipal executive committee failing to file a registration statement as required by subsection (a) or (b) of this Code section at least 60 days before any primary or election at which ~~it shall seek to have~~ candidates seek to express a preference for such party on the ballot shall not have its name ~~or the names of its candidates~~ placed with any candidate's name on any ~~nomination petition~~, ballot, or ballot label.

21-2-111.

(a) Each political party shall establish and maintain a state executive committee exercising state-wide jurisdiction and control over party affairs and may establish a county executive committee in ~~each county in which it holds a primary~~ any one or more counties, exercising county-wide jurisdiction and control over party affairs. A party may establish and maintain

1 such other committees as it may from time to time deem advisable. The membership of
2 such committees shall be selected in the manner determined by the state executive
3 committee. Each committee shall be presided over by a chairperson and shall have a
4 secretary and such other officers as deemed advisable, and a list of all such committees
5 shall be filed with the appropriate election official for the state or county. The state
6 executive committee shall have the same power over municipal party executive committees
7 as it has over county party executive committees.

8 (b) The state executive committee of each political party shall formulate, adopt, and
9 promulgate rules and regulations, consistent with law, governing the conduct of
10 conventions and other party affairs. No such rule and regulation shall be effective until
11 copies thereof, certified by the chairperson, have been filed with the Secretary of State.

12 (c) The respective county executive committees of each political party shall formulate,
13 adopt, and promulgate rules and regulations, consistent with law and the rules and
14 regulations of the state executive committee, governing the conduct of conventions and
15 other party affairs. No such rule and regulation shall be effective until copies thereof,
16 certified by the chairperson, have been filed with the superintendent of the county.

17 ~~(d) Any person seeking party office in a primary shall be governed by this chapter relating~~
18 ~~to a person seeking party nomination in a primary insofar as such application is practicable.~~

19
20 21-2-112.

21 (a) When the state executive committee of a political party has reason to believe that the
22 orders, rules, or regulations of the state executive committee, relating to all party matters
23 ~~except the conduct of primaries~~, are not being, or will not be, fairly, impartially, or properly
24 enforced or applied in any county by the county executive committee of the party in such
25 county, the state executive committee shall issue to such county committee a written notice
26 of opportunity for hearing.

27 (b) A notice of opportunity for hearing shall state the substance of the order which the state
28 committee proposes to issue under subsection (e) of this Code section and advise such
29 county committee of its right to a hearing upon request to the state committee if such
30 request is received by it within the time specified in the notice.

31 (c) Whenever such county committee requests a hearing in accordance with this Code
32 section, the state committee shall immediately set a date, time, and place for such hearing
33 and shall forthwith notify the county committee thereof.

34 (d) A stenographic record of the testimony and other evidence submitted at the hearing
35 shall be taken and filed with the state committee. Each witness appearing at the hearing
36 shall be sworn prior to testifying.

(e) If the state committee does not receive a timely request for hearing or if a hearing is requested and conducted as provided in this Code section and the state committee determines that all or any part of the proposed relief described in the notice of opportunity for hearing should be granted, the state committee may issue an order, effective for a certain period, suspending and superseding all or any part of the powers and duties of the county committee and directing that the powers and duties which would have been exercised and performed by such county executive committee in those matters in which they have been suspended and superseded shall be exercised and performed by the persons designated by the state executive committee, who may be residents of any county of this state, notwithstanding any other provision of this chapter.

(f) The state executive committee may delegate its powers under this Code section to a subcommittee.

21-2-113.

(a) Each political body shall establish and maintain a chief executive committee exercising jurisdiction and control over body affairs in the area of the state in which it operates and a county executive committee exercising county-wide jurisdiction and control over body affairs in each county in which the body operates if it operates in two or more counties. A body may establish and maintain such other committees as it may from time to time deem advisable. The membership of such committees shall be selected in the manner determined by the chief executive committee. Each committee shall be presided over by a chairperson and shall have a secretary and such other officers as deemed advisable.

(b) The chief executive committee of each political body shall formulate, adopt, and promulgate rules and regulations, consistent with law, governing the conduct of conventions and other body affairs. No such rule and regulation shall be effective until copies thereof, certified by the chairperson, have been filed with the Secretary of State.

(c) The respective county executive committees of each political body shall formulate, adopt, and promulgate rules and regulations, consistent with law and the rules and regulations of the chief executive committee, governing the conduct of conventions and other body affairs. No such rule or regulation shall be effective until a copy thereof, certified by the chairperson, has been filed with the superintendent of the county.

(d) Whenever a municipal executive committee of a political party is established, such committee shall formulate, adopt, and promulgate rules and regulations, consistent with law and the rules and regulations of the State Election Board and the state executive committee, governing the conduct of ~~primaries, conventions, conventions~~ and other party affairs within the municipality. No such rule and regulation shall be effective until copies thereof, certified by the chairperson, have been filed with the clerk of the municipality.

ARTICLE 4

PART 1

21-2-130.

Candidates may qualify for an election by virtue of:

(1) ~~Nomination in a primary conducted by a political party~~ Having received a majority of the votes cast among candidates for a particular office in a primary;

(2) ~~Filing a nomination petition either as an independent candidate or as a nominee of a political body, if duly certified by the chairperson and the secretary of the political body as having been nominated in a duly constituted political body convention as prescribed in Code Section 21-2-172~~ Having received the greatest or second greatest number of votes cast among candidates for a particular office in a primary in the event no candidate received a majority of the votes cast for such office in the primary. If in such event more than one candidate received the same greatest or second greatest number of votes cast, then all candidates who received the greatest or second greatest number of votes cast for such office in the primary shall qualify for election;

(3) ~~Nomination for a state-wide office by a duly constituted political body convention as prescribed in Code Section 21-2-172 if the political body making the nomination has qualified to nominate candidates for state-wide public office under the provisions of Code Section 21-2-180;~~

~~(4)~~(3) In the case of an election for presidential electors, nomination as prescribed by rules of a political party; or

~~(5)~~(4) ~~Substitute nomination by a political party or body~~ Substitution as prescribed in Code Sections 21-2-134 and 21-2-155, respectively;

~~(6)~~(5) Candidacy in a special election as prescribed in subsection (e) of Code Section 21-2-132; or not preceded by a special primary;

~~(7) Being an incumbent qualifying as a candidate to succeed such incumbent as prescribed in subsection (e) of Code Section 21-2-132.~~

21-2-131.

(a) Qualification fees for party and public offices shall be fixed and published as follows:

(1)(A) The governing authority of any county or municipality, not later than February 1 of any year in which a general primary, nonpartisan election, or general election is to be held, and at least 35 days prior to the special primary or election in the case of a special primary or special election, shall fix and publish a qualifying fee for each county or municipal office to be filled in the upcoming primary or election. Except as otherwise provided in subparagraph (B) of this paragraph, such fee shall be 3 percent

1 of the total gross salary of the office paid in the preceding calendar year including all
2 supplements authorized by law if a salaried office.

3 (B) For the offices of clerk of the superior court, judge of the probate court, sheriff, tax
4 commissioner, and magistrate, the qualifying fee shall be 3 percent of the minimum
5 salary specified in subsection (a) of Code Section 15-6-88, paragraph (1) of subsection
6 (a) of Code Section 15-9-63, subsection (a) of Code Section 15-10-23, paragraph (1)
7 of subsection (a) of Code Section 15-16-20, and paragraph (1) of subsection (b) of Code
8 Section 48-5-183, exclusive of supplements, cost-of-living increases, and longevity
9 increases. For the office of members of the county governing authority, the qualifying
10 fee shall be 3 percent of the base salary established by local Act of the General
11 Assembly or by Code Section 36-5-25 as adjusted pursuant to Code Section 36-5-24,
12 if applicable, exclusive of compensation supplements for training provided for in Code
13 Section 36-5-27 and cost-of-living adjustments pursuant to Code Section 36-5-28. If
14 not a salaried office, a reasonable fee shall be set by the governing authority of such
15 county or municipality, such fee not to exceed 3 percent of the income derived from
16 such county office by the person holding the office for the preceding year or more than
17 \$35.00 for a municipal office; and

18 (2) Within the same time limitation as provided in subparagraph (A) of paragraph (1) of
19 this subsection, the Secretary of State shall fix and publish a qualifying fee ~~for any~~
20 ~~candidate qualifying by this method with a state political party and for any candidate~~
21 ~~qualifying with the Secretary of State for a nonpartisan election and for any candidate~~
22 ~~filing with the Secretary of State his or her notice of candidacy for a general or special~~
23 ~~election. Such fee shall be 3 percent of the annual salary of the office if a salaried office,~~
24 ~~except that the fee for members of the General Assembly shall be \$400.00. If not a~~
25 ~~salaried office, a reasonable fee shall be set by the Secretary of State, such fee not to~~
26 ~~exceed 3 percent of the income derived from such office by the person holding the office~~
27 ~~for the preceding year;~~

28 ~~(3) A reasonable qualifying fee may be set according to party rule for each political party~~
29 ~~office to be filled in a primary. Such fees shall be set and published by the county or state~~
30 ~~political party not later than February 1 of the year in which the primary is to be held for~~
31 ~~the filling of such party office.~~

32 (b) ~~Qualifying fees shall be paid as follows:~~

33 ~~(1) The qualifying fee for a candidate in a primary shall be paid to the county or state~~
34 ~~political party at the time the candidate qualifies;~~

35 ~~(2) The qualifying fee for all other candidates~~ for public office ~~shall be paid to the~~
36 ~~superintendent or Secretary of State at the time the notice of candidacy is filed by the~~
37 ~~candidate.~~

1 (c) Qualifying fees shall be prorated and distributed as follows:

2 ~~(1) Fees paid to the county political party: 50 percent to be retained by the county~~
3 ~~political party with which the candidate qualified; 50 percent to be transmitted to the~~
4 ~~superintendent of the county with the party's certified list of candidates not later than~~
5 ~~12:00 Noon of the third day after the deadline for qualifying in the case of a general~~
6 ~~primary and by 12:00 Noon of the day following the closing of qualifications in the case~~
7 ~~of a special primary. Such fees shall be transmitted as soon as practicable by the~~
8 ~~superintendent to the governing authority of the county, to be applied toward the cost of~~
9 ~~the primary and election;~~

10 ~~(2) Fees paid to the state political party: 75 percent to be retained by the state political~~
11 ~~party; 25 percent to be transmitted to the Secretary of State with the party's certified list~~
12 ~~of candidates not later than 12:00 Noon of the third day after the deadline for qualifying~~
13 ~~in the case of a general primary and by 12:00 Noon of the day following the closing of~~
14 ~~qualifications in the case of a special primary. Such fees shall be transmitted as soon as~~
15 ~~practicable by the Secretary of State as follows: one-third to the state treasury and~~
16 ~~two-thirds divided among the governing authorities of the counties in the candidate's~~
17 ~~district in proportion to the population of each such county according to the last United~~
18 ~~States decennial census, such fees to be applied to the cost of holding the election;~~

19 ~~(3)~~(1) Qualification fees paid to the superintendent of the county:

20 ~~(A) If the person qualifies as a candidate of a political body, 50 percent shall be~~
21 ~~transmitted to the state executive committee of the appropriate political body and 50~~
22 ~~percent shall be retained by the superintendent of the county;~~

23 ~~(B) If the person qualifies directly with the election superintendent as a candidate of~~
24 ~~a political party in accordance with subsection (c) of Code Section 21-2-153, 25 percent~~
25 ~~shall be transmitted to the state executive committee of the appropriate political party~~
26 ~~and 75 percent shall be retained by the superintendent of the county; and~~

27 ~~(C) If the person qualifies as an independent or nonpartisan candidate, the~~
28 ~~superintendent of the county shall retain the entire amount of the fees.~~

29 ~~Such fees shall be transmitted as soon as practicable by the superintendent to the~~
30 ~~governing authority of the county, to be applied toward the cost of holding the election;~~

31 ~~(4)~~(2) Qualification fees paid to the Secretary of State shall be prorated and distributed
32 as follows:

33 ~~(A) If the person qualifies as the candidate of a political body, 75 percent shall be~~
34 ~~transmitted to the appropriate political body and 25 percent shall be retained by the~~
35 ~~Secretary of State; and~~

36 ~~(B) If the person qualifies as an independent or nonpartisan candidate, the Secretary~~
37 ~~of State shall retain the entire amount of the fees.~~

Such fees shall be transmitted as soon as practicable by the Secretary of State as follows: one-third to the state treasury and two-thirds divided among the governing authorities of the counties in proportion to the population of each county according to the last United States decennial census, such fees to be applied to the cost of holding the election; and

~~(5)~~(3) Qualification fees paid to the superintendent of a municipality:

~~(A) If the person qualifies as a candidate of a political body, 50 percent shall be transmitted to the state executive committee of the appropriate political body and 50 percent shall be retained by the superintendent of the municipality; and~~

~~(B) If the person qualifies as an independent or nonpartisan candidate, the superintendent of the municipality shall retain the entire amount of the fees.~~

Such fees shall be transmitted as soon as practicable by the superintendent to the governing authority of the municipality, to be applied toward the cost of holding the election.

21-2-132.

~~(a) The names of nominees of political parties nominated in a primary and the names of nominees of political parties for the office of presidential elector shall be placed on the election ballot without their filing the notice of candidacy otherwise required by this Code section.~~

~~(b) Candidates seeking election in a nonpartisan election shall comply with the requirements of subsections (c) and (f) of this Code section, as modified by subsection (g) of this Code section, by the date prescribed and shall by the same date pay to the proper authority the qualifying fee prescribed by Code Section 21-2-131 in order to be eligible to have their names placed on the nonpartisan election ballots.~~

~~(c) Except as provided in subsection (i) of this Code section, all candidates seeking election in a nonpartisan election shall file their notice of candidacy and pay the prescribed qualifying fee by the date prescribed in this subsection in order to be eligible to have their names placed on the nonpartisan election ballot by the Secretary of State or election superintendent, as the case may be, in the following manner:~~

~~(1) Each candidate for the office of judge of the superior court, Judge of the Court of Appeals, or Justice of the Supreme Court, or the candidate's agent, desiring to have his or her name placed on the nonpartisan election ballot shall file a notice of candidacy, giving his or her name, residence address, and the office sought, in the office of the Secretary of State no earlier than 9:00 A.M. on the fourth Monday in April immediately prior to the election and no later than 12:00 Noon on the Friday following the fourth Monday in April, notwithstanding the fact that any such days may be legal holidays; and~~

~~(2) Each candidate for a county judicial office, a local school board office, or an office of a consolidated government, except those offices which on July 1, 2001, were covered by local Acts of the General Assembly which provided for election in a nonpartisan election without a prior nonpartisan primary, or the candidate's agent, desiring to have his or her name placed on the nonpartisan election ballot shall file notice of candidacy in the office of the superintendent no earlier than 9:00 A.M. on the fourth Monday in April immediately prior to the election and no later than 12:00 Noon on the Friday following the fourth Monday in April, notwithstanding the fact that any such days may be legal holidays.~~

~~(d) Except as provided in subsection (i) of this Code section, all political body and independent candidates shall file their notice of candidacy and pay the prescribed qualifying fee by the date prescribed in this subsection in order to be eligible to have their names placed on the election ballot by the Secretary of State or election superintendent, as the case may be, in the following manner:~~

~~(1) Each candidate for federal or state office, or his or her agent, desiring to have his or her name placed on the election ballot shall file a notice of his or her candidacy, giving his or her name, residence address, and the office he or she is seeking, in the office of the Secretary of State no earlier than 9:00 A.M. on the fourth Monday in June immediately prior to the election and no later than 12:00 Noon on the Friday following the fourth Monday in June in the case of a general election and no earlier than the date of the call of the election and no later than 25 days prior to the election in the case of a special election;~~

~~(2) Each candidate for a county office, including those offices which on July 1, 2001, were covered by local Acts of the General Assembly which provided for election in a nonpartisan election without a prior nonpartisan primary, or his or her agent, desiring to have his or her name placed on the election ballot shall file notice of his or her candidacy in the office of the superintendent of his or her county no earlier than 9:00 A.M. on the fourth Monday in June immediately prior to the election and no later than 12:00 Noon on the Friday following the fourth Monday in June in the case of a general election and no earlier than the date of the call of the election and no later than 25 days prior to the election in the case of a special election;~~

~~(3) Each candidate for municipal office or a designee shall file a notice of candidacy in the office of the municipal superintendent of such candidate's municipality during the municipality's qualifying period. Each municipal superintendent shall designate the days of the qualifying period, which shall be no less than three days and no more than five days. The days of the qualifying period shall be consecutive days. Qualifying periods shall comply with the following:~~

~~(A) In the case of a general election held in an odd-numbered year, the municipal qualifying period shall commence no earlier than 8:30 A.M. on the second Monday in September immediately preceding the general election and shall end no later than 4:30 P.M. on the following Friday;~~

~~(B) In the case of a general election held in an even-numbered year, the municipal qualifying period shall commence no earlier than 8:30 A.M. on the last Monday in August immediately preceding the general election and shall end no later than 4:30 P.M. on the following Friday; and~~

~~(C) In the case of a special election, the municipal qualifying period shall commence no earlier than the date of the call and shall end no later than 25 days prior to the election.~~

~~The hours of qualifying each day shall be from 8:30 A.M. until 4:30 P.M. with one hour allowed for the lunch break; provided, however, that municipalities which have normal business hours which cover a lesser period of time shall conduct qualifying during normal business hours for each such municipality. Except in the case of a special election, notice of the opening and closing dates and the hours for candidates to qualify shall be published at least two weeks prior to the opening of the qualifying period.~~

~~(e) Except as provided in subsection (i) of this Code section, each candidate required to file a notice of candidacy by this Code section shall, no earlier than 9:00 A.M. on the fourth Monday in June immediately prior to the election and no later than 12:00 Noon on the second Tuesday in July immediately prior to the election, file with the same official with whom he or she filed his or her notice of candidacy a nomination petition in the form prescribed in Code Section 21-2-170, except that such petition shall not be required if such candidate is:~~

~~(1) A nominee of a political party for the office of presidential elector when such party has held a national convention and therein nominated candidates for President and Vice President of the United States;~~

~~(2) Seeking office in a special election;~~

~~(3) An incumbent qualifying as a candidate to succeed such incumbent if, prior to the election in which such incumbent was originally elected to the office for which such incumbent seeks reelection, such incumbent filed a notice of candidacy and a nomination petition as required by this chapter;~~

~~(4) A candidate seeking election in a nonpartisan election; or~~

~~(5) A nominee for a state-wide office by a duly constituted political body convention; provided that the political body making the nomination has qualified to nominate candidates for state-wide public office under the provisions of Code Section 21-2-180.~~

~~(f) Each candidate required by this Code section to file a notice of candidacy shall accompany his or her notice of candidacy with an affidavit stating:~~

~~(1) His or her full name and the name as the candidate desires it to be listed on the ballot;~~

~~(2) His or her residence, with street and number, if any, and his or her post office address;~~

~~(3) His or her profession, business, or occupation, if any;~~

~~(4) The name of his or her precinct;~~

~~(5) That he or she is an elector of the county or municipality of his or her residence eligible to vote in the election in which he or she is a candidate;~~

~~(6) The name of the office he or she is seeking;~~

~~(7) That he or she is eligible to hold such office;~~

~~(8) That the candidate has never been convicted and sentenced in any court of competent jurisdiction for fraudulent violation of primary or election laws, malfeasance in office, or felony involving moral turpitude or conviction of domestic violence under the laws of this state or any other state or of the United States, or that the candidate's civil rights have been restored and that at least ten years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude;~~

~~(9) That he or she will not knowingly violate this chapter or rules and regulations adopted under this chapter; and~~

~~(10) Any other information as may be determined by the Secretary of State to be necessary to comply with federal and state law.~~

~~The affidavit shall contain such other information as may be prescribed by the officer with whom the candidate files his or her notice of candidacy.~~

~~(g) A pauper's affidavit may be filed in lieu of paying the qualifying fee otherwise required by this Code section and Code Sections 21-2-131 and 21-2-138 of any candidate who has filed a qualifying petition as provided for in subsection (h) of this Code section.~~

~~A candidate filing a pauper's affidavit instead of paying a qualifying fee shall under oath affirm his or her poverty and his or her resulting inability to pay the qualifying fee otherwise required. The form of the affidavit shall be prescribed by the Secretary of State and shall include a financial statement which lists the total income, assets, liabilities, and other relevant financial information of the candidate and shall indicate on its face that the candidate has neither the assets nor the income to pay the qualifying fee otherwise required.~~

~~The affidavit shall contain an oath that such candidate has neither the assets nor the income to pay the qualifying fee otherwise required. The following warning shall be printed on the affidavit form prepared by the Secretary of State, to wit: 'WARNING: Any person knowingly making any false statement on this affidavit commits the offense of false swearing and shall be guilty of a felony.' The name of any candidate who subscribes and~~

1 swears to an oath that such candidate has neither the assets nor the income to pay the
2 qualifying fee otherwise required shall be placed on the ballot by the Secretary of State or
3 election superintendent, as the case may be.

4 (h) ~~No candidate shall be authorized to file a pauper's affidavit in lieu of paying the~~
5 ~~qualifying fee otherwise required by this Code section and Code Section 21-2-138 unless~~
6 ~~such candidate has filed a qualifying petition which complies with the following~~
7 ~~requirements:~~

8 (1) ~~A qualifying petition of a candidate seeking an office which is voted upon state wide~~
9 ~~shall be signed by a number of voters equal to one-fourth of 1 percent of the total number~~
10 ~~of registered voters eligible to vote in the last election for the filling of the office the~~
11 ~~candidate is seeking and the signers of such petition shall be registered and eligible to~~
12 ~~vote in the election at which such candidate seeks to be elected. A qualifying petition of~~
13 ~~a candidate for any other office shall be signed by a number of voters equal to 1 percent~~
14 ~~of the total number of registered voters eligible to vote in the last election for the filling~~
15 ~~of the office the candidate is seeking and the signers of such petition shall be registered~~
16 ~~and eligible to vote in the election at which such candidate seeks to be elected. However,~~
17 ~~in the case of a candidate seeking an office for which there has never been an election or~~
18 ~~seeking an office in a newly constituted constituency, the percentage figure shall be~~
19 ~~computed on the total number of registered voters in the constituency who would have~~
20 ~~been qualified to vote for such office had the election been held at the last general~~
21 ~~election and the signers of such petition shall be registered and eligible to vote in the~~
22 ~~election at which such candidate seeks to be elected;~~

23 (2) ~~Each person signing a qualifying petition shall declare therein that he or she is a duly~~
24 ~~qualified and registered elector of the state entitled to vote in the next election for the~~
25 ~~filling of the office sought by the candidate supported by the petition and shall add to his~~
26 ~~or her signature his or her residence address, giving municipality, if any, and county, with~~
27 ~~street and number, if any. No person shall sign the same petition more than once. Each~~
28 ~~petition shall support the candidacy of only a single candidate. A signature shall be~~
29 ~~stricken from the petition when the signer so requests prior to the presentation of the~~
30 ~~petition to the appropriate officer for filing, but such a request shall be disregarded if~~
31 ~~made after such presentation;~~

32 (3) ~~A qualifying petition shall be on one or more sheets of uniform size and different~~
33 ~~sheets must be used by signers resident in different counties. The upper portion of each~~
34 ~~sheet, prior to being signed by any petitioner, shall bear the name and title of the officer~~
35 ~~with whom the petition will be filed, the name of the candidate to be supported by the~~
36 ~~petition, his or her profession, business, or occupation, if any, his or her place of~~
37 ~~residence with street and number, if any, the name of the office he or she is seeking, his~~

1 or her political party or body affiliation, if any, and the name and date of the election in
2 which the candidate is seeking election. If more than one sheet is used, they shall be
3 bound together when offered for filing if they are intended to constitute one qualifying
4 petition, and each sheet shall be numbered consecutively, beginning with number one,
5 at the foot of each page. Each sheet shall bear on the bottom or back thereof the affidavit
6 of the circulator of such sheet, which affidavit must be subscribed and sworn to by such
7 circulator before a notary public and shall set forth:

8 (A) His or her residence address, giving municipality with street and number, if any;

9 (B) That each signer manually signed his or her own name with full knowledge of the
10 contents of the qualifying petition;

11 (C) That each signature on such sheet was signed within 180 days of the last day on
12 which such petition may be filed; and

13 (D) That, to the best of the affiant's knowledge and belief, the signers are registered
14 electors of the state qualified to sign the petition, that their respective residences are
15 correctly stated in the petition, and that they all reside in the county named in the
16 affidavit;

17 (4) No qualifying petition shall be circulated prior to 180 days before the last day on
18 which such petition may be filed, and no signature shall be counted unless it was signed
19 within 180 days of the last day for filing the same; and

20 (5) A qualifying petition shall not be amended or supplemented after its presentation to
21 the appropriate officer for filing.

22 No notary public may sign the petition as an elector or serve as a circulator of any petition
23 which he or she notarized. Any and all sheets of a petition that have the circulator's
24 affidavit notarized by a notary public who also served as a circulator of one or more sheets
25 of the petition or who signed one of the sheets of the petition as an elector shall be
26 disqualified and rejected.

27 (i) Notwithstanding any other provision of this chapter to the contrary, for general
28 elections held in the even-numbered year immediately following the official release of the
29 United States decennial census data to the states for the purpose of redistricting of the
30 legislatures and the United States House of Representatives, candidates in such elections
31 shall qualify as provided in this subsection:

32 (1) All candidates seeking election in a nonpartisan election shall file their notice of
33 candidacy and pay the prescribed qualifying fee by the date prescribed in this paragraph
34 in order to be eligible to have their names placed on the nonpartisan election ballot by the
35 Secretary of State or election superintendent, as the case may be, in the following
36 manner:

~~(A) Each candidate for the office of judge of the superior court, Judge of the Court of Appeals, or Justice of the Supreme Court, or the candidate's agent, desiring to have his or her name placed on the nonpartisan election ballot shall file a notice of candidacy, giving his or her name, residence address, and the office sought, in the office of the Secretary of State no earlier than 9:00 A.M. on the third Wednesday in June immediately prior to the election and no later than 12:00 Noon on the Friday following the third Wednesday in June, notwithstanding the fact that any such days may be legal holidays; and~~

~~(B) Each candidate for a county judicial office, a local school board office, or an office of a consolidated government, except those offices which on July 1, 2001, were covered by local Acts of the General Assembly which provided for election in a nonpartisan election without a prior nonpartisan primary, or the candidate's agent, desiring to have his or her name placed on the nonpartisan election ballot shall file notice of candidacy in the office of the superintendent no earlier than 9:00 A.M. on the third Wednesday in June immediately prior to the election and no later than 12:00 Noon on the Friday following the third Wednesday in June, notwithstanding the fact that any such days may be legal holidays;~~

~~(2) All political body and independent candidates shall file their notice of candidacy and pay the prescribed qualifying fee by the date prescribed in this paragraph in order to be eligible to have their names placed on the general election ballot by the Secretary of State or election superintendent, as the case may be, in the following manner:~~

~~(A) Each candidate for federal or state office, or his or her agent, desiring to have his or her name placed on the general election ballot shall file a notice of his or her candidacy, giving his or her name, residence address, and the office he or she is seeking, in the office of the Secretary of State no earlier than 9:00 A.M. on the last Monday in July immediately prior to the election and no later than 12:00 Noon on the Friday following the last Monday in July; and~~

~~(B) Each candidate for a county office, including those offices which on July 1, 2001, were covered by local Acts of the General Assembly which provided for election in a nonpartisan election without a prior nonpartisan primary, or his or her agent, desiring to have his or her name placed on the general election ballot shall file notice of his or her candidacy in the office of the superintendent of his or her county no earlier than 9:00 A.M. on the last Monday in July immediately prior to the election and no later than 12:00 Noon on the Friday following the last Monday in July; and~~

~~(3) Candidates required to file nomination petitions under subsection (c) of this Code section shall file such petitions not earlier than 9:00 A.M. on the fourth Monday in July~~

1 immediately prior to the general election and not later than 12:00 Noon on the first
2 Monday in August immediately prior to the general election: Reserved.

3 21-2-133.

4 ~~(a) No person elected on a write-in vote shall be eligible to hold office unless notice of his~~
5 ~~or her intention of candidacy was filed and published no earlier than January 1 and no later~~
6 ~~than the Tuesday after the first Monday in September prior to the election for county, state,~~
7 ~~and federal elections; no later than seven days after the close of the municipal qualifying~~
8 ~~period for municipal elections in the case of a general election; no earlier than January 1~~
9 ~~and no later than the Tuesday after the first Monday in June in the case of a nonpartisan~~
10 ~~election for a state or county office which was not covered by a local Act of the General~~
11 ~~Assembly on July 1, 2001, which provided for election in a nonpartisan election without~~
12 ~~a prior nonpartisan primary; no later than the third Monday in July in the case of a~~
13 ~~nonpartisan election for a state or county office which was not covered by a local Act of~~
14 ~~the General Assembly on July 1, 2001, which provided for election in a nonpartisan~~
15 ~~election without a prior nonpartisan primary held in the even-numbered year immediately~~
16 ~~following the official release of the United States decennial census data to the states for the~~
17 ~~purpose of redistricting of the legislatures and the United States House of Representatives;~~
18 ~~or at least 20 or more days prior to a special election by the person to be a write-in~~
19 ~~candidate or by some other person or group of persons qualified to vote in the subject~~
20 ~~election, as follows:~~

21 ~~(1) In a state general or special election, notice shall be filed with the Secretary of State~~
22 ~~and published in a newspaper of general circulation in the state;~~

23 ~~(2) In a general or special election of county officers, notice shall be filed with the~~
24 ~~superintendent of elections in the county in which he or she is to be a candidate and~~
25 ~~published in the official organ of the same county; or~~

26 ~~(3) In a municipal general or special election, notice shall be filed with the~~
27 ~~superintendent and published in the official gazette of the municipality holding the~~
28 ~~election.~~

29 ~~(b) In addition to the requirements contained in subsection (a) of this Code section, the~~
30 ~~person or persons giving notice of intention of candidacy for a write-in candidate shall also~~
31 ~~file, with the appropriate official specified in paragraph (1), (2), or (3) of subsection (a) of~~
32 ~~this Code section, a copy of the notice as published with an affidavit stating that the notice~~
33 ~~has been published and including the name of the newspaper and the date of publication,~~
34 ~~not later than the fifth day after the deadline for filing and publishing such notice. The~~
35 ~~affidavit may be made by the person giving notice of intention of candidacy or by the~~

1 publisher of the newspaper in which the notice was published or by an employee of the
2 newspaper designated by the publisher.

3 ~~(c) No person shall be eligible as a write-in candidate in a special or general primary, a~~
4 ~~special or general primary runoff, or in a special or general election runoff.~~

5 ~~(d) No person shall be eligible as a write-in candidate in a general or special election if~~
6 ~~such person was a candidate for nomination or election to the same office in the~~
7 ~~immediately preceding primary.~~

8 ~~(e) The Secretary of State or appropriate municipal official shall certify to the election~~
9 ~~superintendent of each county affected at least ten days prior to the general or special~~
10 ~~election the names of all persons who have filed notices of intention to be write-in~~
11 ~~candidates with the Secretary of State or appropriate municipal official. Reserved.~~

12 21-2-134.

13 (a)(1) A candidate ~~nominated at any primary election or nominated by means other than~~
14 ~~a primary~~ qualified for election under Code Section 21-2-130 may withdraw as a
15 candidate at the ensuing general election by filing a notarized affidavit of withdrawal
16 with the Secretary of State, if ~~nominated for~~ qualified for election to a state office; the
17 county superintendent, if ~~nominated for~~ qualified for election to a county office; or the
18 municipal superintendent, if ~~nominated for~~ qualified for election to a municipal office.
19 The qualifying fee shall not be returned to the candidate. If the ballots have been printed,
20 the Secretary of State or the county or municipal superintendent may reprint the ballots
21 to omit the name of the withdrawn candidate. All votes cast for the withdrawn candidate
22 shall be void and shall not be counted. Prominent notices shall be posted in all polling
23 places in which the name of the withdrawn candidate appears on the ballot stating that
24 the candidate has withdrawn and that all votes cast for such withdrawn candidate shall
25 be void and shall not be counted. No vacancy on the ballot for a general election ~~or for~~
26 ~~a nonpartisan election~~ shall be filled except by reason of the withdrawal, death, or
27 ~~disqualification of a candidate~~ as otherwise provided by this Code section.

28 (2) A candidate in a general or special primary may withdraw as a candidate after
29 qualifying but prior to the date of the general or special primary by filing a notarized
30 affidavit of withdrawal with the Secretary of State, if qualifying for a state office; the
31 county election superintendent, if qualifying for a county office; or the municipal
32 superintendent, if qualifying for a municipal office. ~~A candidate of a political body or an~~
33 ~~independent candidate in a general or special election may withdraw as a candidate after~~
34 ~~qualifying but prior to the date of the general or special election by filing a notarized~~
35 ~~affidavit of withdrawal with the Secretary of State, if qualifying for a state office; the~~
36 ~~county election superintendent, if qualifying for a county office; or the municipal~~

1 ~~superintendent, if qualifying for a municipal office.~~ The qualifying fee shall not be
2 returned to the candidate. If the ballots have been printed, the Secretary of State, the
3 county election superintendent, or the municipal superintendent may reprint the ballots
4 to omit the name of the withdrawn candidate. All votes cast for the withdrawn candidate
5 shall be void and shall not be counted. Prominent notices shall be posted in all polling
6 places in which the name of the withdrawn candidate appears on the ballot stating that
7 the candidate has withdrawn and that all votes cast for such withdrawn candidate shall
8 be void and shall not be counted.

9 ~~(b)(1) Any vacancy in any party nomination filled by a primary created by reason of the~~
10 ~~death or disqualification of a candidate occurring after nomination may be filled in the~~
11 ~~following manner:~~

12 ~~(A) In the case of a public office to be filled by the vote of the electors of the entire~~
13 ~~state in which the vacancy occurs after nomination but at least ten days prior to the~~
14 ~~election to fill the public office sought by such candidate, the vacancy may be filled by~~
15 ~~a substitute nomination made by a convention composed of the delegates of the county~~
16 ~~executive committee of such party in each county of the state. Immediately upon such~~
17 ~~vacancy occurring, the state executive committee or a subcommittee thereof appointed~~
18 ~~for the purpose shall fix a time within six days of the occurrence of such vacancy; shall~~
19 ~~select and provide a convenient place for the holding of such a convention, which shall~~
20 ~~be open to the public; and shall give notice thereof to the chairperson and secretary of~~
21 ~~each county executive committee. Each county executive committee shall be entitled~~
22 ~~to select the number of delegates apportioned to it by the state executive committee;~~
23 ~~provided, however, that each county executive committee shall be entitled to select at~~
24 ~~least one delegate. Such apportionment of delegates among the counties shall be based~~
25 ~~substantially upon the population of the state according to the last United States~~
26 ~~decennial census or upon the number of votes cast within the state for the party's~~
27 ~~candidates for presidential electors in the last presidential election. A two-thirds'~~
28 ~~majority of the delegates of such county executive committees shall constitute a quorum~~
29 ~~for the transaction of business, and a majority of the delegates present while a quorum~~
30 ~~exists shall be sufficient to fill such nomination by a substitute nomination. Each~~
31 ~~delegate shall have one vote and all votes taken shall be by a roll-call vote. The records~~
32 ~~of the convention shall be filed with the state executive committee. In the event such~~
33 ~~a vacancy in party nomination shall occur during the ten days preceding the day of such~~
34 ~~an election, such vacancy may be filled by a substitute nomination made by the state~~
35 ~~executive committee or a subcommittee thereof appointed for that purpose;~~

36 ~~(B) In the case of a public office for which a candidate must qualify with the state~~
37 ~~executive committee, except a public office to be filled by the vote of the electors of the~~

1 ~~entire state, the nomination may remain vacant or may be filled at the decision of the~~
2 ~~state executive committee of the party. The decision whether to fill such vacancy shall~~
3 ~~be made by the state executive committee by 4:00 P.M. on the next business day~~
4 ~~following the actual knowledge of the death or disqualification of the candidate. The~~
5 ~~decision of the state executive committee shall be immediately transmitted to the~~
6 ~~Secretary of State. If the Secretary of State has not been notified of the decision of the~~
7 ~~state executive committee by 4:30 P.M. on the next business day following the actual~~
8 ~~knowledge of the vacancy, it shall be conclusively presumed that the state executive~~
9 ~~committee has decided not to fill the vacancy. If the state executive committee decides~~
10 ~~not to fill the vacancy, the nomination shall remain vacant. If the state executive~~
11 ~~committee decides to fill the vacancy, the vacancy shall be filled by a substitute~~
12 ~~nomination made by the state executive committee or a subcommittee thereof appointed~~
13 ~~for that purpose;~~

14 ~~(C) In the case of a public office for which a candidate must qualify with the county~~
15 ~~executive committee, the nomination may remain vacant or may be filled at the decision~~
16 ~~of the state executive committee of the party. The state executive committee or a~~
17 ~~subcommittee thereof may determine on its own whether to fill the vacancy but is~~
18 ~~authorized, though not required, to seek the recommendation of any of the following~~
19 ~~persons for the purpose of determining whether to fill the vacancy: the county executive~~
20 ~~committee, if any; persons from the area who are active in the party; persons who are~~
21 ~~present or former officials of the party; persons who presently hold political office or~~
22 ~~have sought political office as candidates of the party; or such other persons as the~~
23 ~~committee or subcommittee may desire to consult. The decision whether to fill such~~
24 ~~vacancy shall be made by the state executive committee by 4:00 P.M. on the next~~
25 ~~business day following the actual knowledge of the death or disqualification of the~~
26 ~~candidate. The decision of the state executive committee shall be immediately~~
27 ~~transmitted to the county superintendent. If the county superintendent has not been~~
28 ~~notified of the decision of the state executive committee by 4:30 P.M. on the next~~
29 ~~business day following the actual knowledge of the vacancy, it shall be conclusively~~
30 ~~presumed that the state executive committee has decided not to fill the vacancy. If the~~
31 ~~state executive committee decides not to fill the vacancy, the nomination shall remain~~
32 ~~vacant. If the state executive committee decides to fill the vacancy, the vacancy shall~~
33 ~~be filled by a substitute nomination made by the state executive committee or a~~
34 ~~subcommittee thereof appointed for that purpose. The state executive committee or a~~
35 ~~subcommittee thereof may determine on its own who shall fill the vacancy as a~~
36 ~~substitute nominee but is authorized, though not required, to seek the recommendation~~
37 ~~of any of the following persons for the purpose of determining the most suitable~~

1 ~~substitute nomination: the county executive committee, if any, persons from the area~~
2 ~~who are active in the party; persons who are present or former officials of the party;~~
3 ~~persons who presently hold political office or have sought political office as candidates~~
4 ~~of the party; or such other persons as the committee or subcommittee may desire to~~
5 ~~consult; and~~

6 ~~(D) In the case of a public office for which a candidate must qualify with the municipal~~
7 ~~executive committee, the nomination may remain vacant or may be filled at the decision~~
8 ~~of the municipal executive committee of the party. The decision whether to fill such~~
9 ~~vacancy shall be made by the municipal executive committee by 4:00 P.M. on the next~~
10 ~~business day following the actual knowledge of the death or disqualification of the~~
11 ~~candidate. The decision of the municipal executive committee shall be immediately~~
12 ~~transmitted to the municipal superintendent. If the municipal superintendent has not~~
13 ~~been notified of the decision of the municipal executive committee by 4:30 P.M. on the~~
14 ~~next business day following the actual knowledge of the vacancy, it shall be~~
15 ~~conclusively presumed that the municipal executive committee has decided not to fill~~
16 ~~the vacancy. If the municipal executive committee decides not to fill the vacancy, the~~
17 ~~nomination shall remain vacant. If the municipal executive committee decides to fill the~~
18 ~~vacancy, the vacancy shall be filled by a substitute nomination made by the municipal~~
19 ~~executive committee or a subcommittee thereof appointed for that purpose.~~

20 ~~(2) Any vacancy which occurs in any party nomination filled by a primary on the ballot~~
21 ~~for a general election and which is created by reason of the withdrawal, death, or~~
22 ~~disqualification of a candidate 60 or more days prior to the date of the election shall be~~
23 ~~filled as follows:~~

24 ~~(A) By the person seeking nomination by the candidate in such primary who, among~~
25 ~~all the candidates in such primary who did not qualify for the general election, received~~
26 ~~the second next highest total of votes cast in such primary for that office, provided that~~
27 ~~such person received not less than 40 percent of the votes cast for that office; or~~

28 ~~(B) In the event no person received the vote total required under subparagraph (A) of~~
29 ~~this paragraph, such vacancy shall be filled in the same manner as provided in~~
30 ~~subparagraph (A), (B), (C), or (D) of paragraph (1) of this subsection, as appropriate.~~

31 ~~(3) Any vacancy which occurs in any party nomination filled by a primary and which is~~
32 ~~created by reason of the withdrawal of a candidate less than 60 days prior to the date of~~
33 ~~the election shall be filled in the same manner as provided in subparagraph (A), (B), (C),~~
34 ~~or (D) of paragraph (1) of this subsection, as appropriate.~~

35 ~~(c) Any vacancy occurring in any body nomination or party nomination filled by means~~
36 ~~other than by primary, by reason of the withdrawal, death, or disqualification of any~~
37 ~~candidate after nomination, may be filled by a substitute nomination made by such~~

~~committee as is authorized by the rules and regulations of the party or body to make nominations in the event of vacancies on the party or body ticket~~ Reserved.

(d) If the withdrawal, death, or disqualification of a candidate after nomination for any public office would at the time of such event result in there being no candidate for that office on the ballot in the general election, then the vacancy shall be filled by a special primary ~~which shall be open only to the party of such deceased, withdrawn, or disqualified candidate~~ and the office shall be filled by a special election as provided in Code Section 21-2-540.

~~(e) Reserved.~~

~~(f) Upon the making of any such substitute nomination, in the manner prescribed in subsection (b) or (c) of this Code section, it shall be the duty of the chairperson and secretary of the convention or committee making the nomination to file with the Secretary of State or with the superintendent, as the case may be, a nomination certificate which shall be signed by such chairperson and secretary. Every such certificate of nomination shall be sworn to by the chairperson and secretary before an officer qualified to administer oaths.~~

21-2-135.

(a)(1) In the case of a public office having multiple officeholders with the same title, each candidate, ~~including write-in candidates~~, shall designate the specific office he or she is seeking, name the person such candidate is seeking to succeed, and give such other appropriate designation as may be required by the Secretary of State or election superintendent each time such candidate qualifies ~~with his or her party in the case of a primary, files a notice of candidacy in the case of an election, or files a notice of candidacy as a write-in candidate~~. The designation of the specific office and the name of the person whom a candidate is seeking to succeed in the case of a public office having multiple officeholders shall be entered on the ballot and ballot labels in such manner that in the ensuing primary or election such candidate shall only oppose the other candidate or candidates, if any, who designated the same specific office and the same name.

(2) In the case of a candidate, ~~including a write-in candidate~~, seeking one of two or more municipal public offices, each having the same title and each being filled at the same election by the vote of the same electors, ~~the applicable municipal charter or ordinance provisions shall govern whether such candidate shall designate the specific office he or she is seeking. If required to designate the specific office~~, the candidate shall name his or her incumbent or give other appropriate designation as specified in the charter or ordinance. Such designation shall be entered on the ballot and ballot labels in such manner that in the ensuing municipal primary or election such candidate shall only oppose the other candidate or candidates, if any, designating the same specific office.

(b) In the case of the office of judge of a state court, judge of a superior court, Judge of the Court of Appeals, or Justice of the Supreme Court, the name of the person such candidate is seeking to succeed and such other designation as may be required by the Secretary of State or election superintendent shall be included in the title of the office on the ballot in all nonpartisan elections.

21-2-136.

No person shall ~~be nominated, nor shall any person~~ be a candidate in a primary, election, or special election, for more than one of the following public offices to be filled at any one election or special election: Governor, Lieutenant Governor, Secretary of State, Attorney General, State School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, Commissioner of Labor, United States senator or representative in Congress, Public Service Commissioner, Justice of the Supreme Court, Judge of the Court of Appeals, members of the Senate and House of Representatives of the General Assembly, judge of superior court, district attorney, any elected county officer, and any elected municipal officer.

21-2-137.

~~No person shall qualify with any political party as a candidate for nomination to any public office when such person has qualified for the same primary with another political party as a candidate for nomination by that party for any public office; nor shall a state, county, or municipal executive committee of any political party certify any person as the candidate of that party when such person has previously qualified as a candidate for nomination for any public office for the same primary with another political party. No person shall file a notice of candidacy as an independent or political body candidate for any public office when such person has qualified for the same office to be filled at the same election with any political party; nor shall any person qualify with any political party when such person has filed a notice of candidacy as an independent or political body candidate for the same office to be filled at the same election~~ No candidate for a partisan office shall indicate more than one political party preference on his or her declaration of candidacy or have more than one political party preference appear on the primary and election ballot in conjunction with his or her name.

21-2-138.

The names of all candidates who have qualified with the Secretary of State for the office of judge of a superior court, Judge of the Court of Appeals, or Justice of the Supreme Court of this state and the names of all candidates who have qualified with the election

1 superintendent for the office of judge of a state court shall be placed on the ballot in a
2 nonpartisan election primary to be held and conducted jointly with the general primary in
3 each even-numbered year; ~~provided that nonpartisan elections for the office of judge of the~~
4 ~~state court which was covered on July 1, 2001, by a local Act of the General Assembly~~
5 ~~which provided for election in a nonpartisan election without a prior nonpartisan primary~~
6 ~~shall be held and conducted jointly with the general election in even-numbered years. No~~
7 ~~candidates for any such office shall be nominated by a political party or by a petition as a~~
8 ~~candidate of a political body or as an independent candidate. Candidates for any such~~
9 ~~office, except offices which were covered on July 1, 2001, by a local Act of the General~~
10 ~~Assembly which provided for election in a nonpartisan election without a prior nonpartisan~~
11 ~~primary, shall have their names placed on the nonpartisan portion of each political party~~
12 ~~primary ballot by complying with the requirements prescribed in Code Section 21-2-132~~
13 ~~specifically related to such nonpartisan candidates and by paying the requisite qualifying~~
14 ~~fees as prescribed in Code Section 21-2-131. The Secretary of State may provide for the~~
15 ~~printing of independent ballots containing the names of the nonpartisan candidates for those~~
16 ~~voters not affiliated with a political party. Candidates shall be listed on the official ballot~~
17 ~~in a nonpartisan election as provided in Code Sections 21-2-284.1 and 21-2-285.1,~~
18 ~~respectively. Except as otherwise specified in this chapter, the procedures to be employed~~
19 ~~in conducting the nonpartisan election of judges of state courts, judges of superior courts,~~
20 ~~Judges of the Court of Appeals, and Justices of the Supreme Court shall conform as nearly~~
21 ~~as practicable to the procedures governing general primaries and general elections; and~~
22 ~~such general primary and general election procedures as are necessary to complete this~~
23 ~~nonpartisan election process shall be adopted in a manner consistent with such nonpartisan~~
24 ~~elections.~~

25 21-2-139.

26 (a) Notwithstanding any other provisions of this chapter to the contrary, the General
27 Assembly may provide by local Act for the election in nonpartisan elections, following
28 nonpartisan primaries, of candidates to fill county judicial offices, offices of local school
29 boards, and offices of consolidated governments which are filled by the vote of the electors
30 of said county or political subdivision. ~~Except as otherwise provided in this Code section,~~
31 ~~the~~ The procedures to be employed in such nonpartisan primaries and elections shall
32 conform as nearly as practicable to the procedures governing nonpartisan primaries and
33 elections as provided in this chapter. ~~Except as otherwise provided in this Code section, the~~
34 ~~election procedures established by any existing local law which provides for the~~
35 ~~nonpartisan election of candidates to fill county offices shall conform to the general~~
36 ~~procedures governing nonpartisan elections as provided in this chapter, and such~~

~~nonpartisan elections shall be conducted in accordance with the applicable provisions of~~
~~this chapter, notwithstanding the provisions of any existing local law. For those offices for~~
~~which the General Assembly as of July 1, 2001, pursuant to this Code section, provided by~~
~~local Act for election in nonpartisan primaries and elections, such offices shall no longer~~
~~require nonpartisan primaries. Such officers shall be elected in nonpartisan elections held~~
~~and conducted in conjunction with the general primary in accordance with this chapter~~
~~without a prior nonpartisan primary. For those offices for which the General Assembly as~~
~~of July 1, 2001, the effective date of this Code section provided by local Act for election in~~
 a nonpartisan election with or without a prior nonpartisan primary, such offices shall be
 elected in nonpartisan elections held and conducted in conjunction with the November
 general election ~~without a prior~~ following a nonpartisan primary held and conducted in
conjunction with the general primary. Nonpartisan elections for municipal offices shall be
 conducted on the dates provided in the municipal charter.

(b) ~~Either a political party, as defined in this chapter, or a nonpartisan municipal executive~~
~~committee duly registered with the city clerk may conduct a municipal primary for the~~
~~purpose of electing its own officials or nominating candidates for municipal elections.~~
~~Every primary held for such purpose shall be presided over and conducted in the manner~~
~~prescribed by the rules and regulations of such party or nonpartisan municipal executive~~
~~committee, not inconsistent with the law and the rules and regulations of the State Election~~
~~Board; provided, however, that all such primaries must be conducted in such manner as to~~
~~guarantee the secrecy of the ballot~~ Reserved.

(c) Municipalities may provide by their charter or by ordinance ~~that no political party shall~~
~~conduct primaries for the purpose of nominating candidates for municipal elections;~~
~~provided, however, that the existing provisions of any charter or ordinance prohibiting~~
~~primaries by political parties shall not be repealed by this subsection~~ for nonpartisan
elections for municipal offices with or without prior nonpartisan primaries. Any
municipality which by charter or ordinance as of the effective date of this Code section,
prohibited primaries by political parties shall have nonpartisan elections without prior
nonpartisan primaries unless and until provided otherwise by local law. The procedures to
be employed in such nonpartisan primaries and nonpartisan elections shall conform as
nearly as practicable to the procedures governing nonpartisan primaries and nonpartisan
elections as provided in this chapter.

PART 2

Subpart 1

21-2-140.

~~Repeated.~~ (a) A primary is a first stage in the public process by which voters elect candidates to public office.

(b) Whenever candidates for public office are to be elected, the general election shall be preceded by a primary conducted under this chapter, except as otherwise provided for nonpartisan municipal elections without a prior nonpartisan primary pursuant to subsection

(c) of Code Section 21-2-139 . Based upon the votes cast in the primary, only the names of those candidates who qualify for election under Code Section 21-2-130 shall appear on the general election ballot.

(c) For a partisan office, if a candidate has expressed a political party preference or independent preference on his or her declaration of candidacy, then that preference shall be shown after the name of the candidate on the primary ballot, subject to the provisions of Code Section 21-2-153, and on the election ballot, if applicable, by appropriate abbreviation as set forth in rules and regulations of the Secretary of State. Any such preference shown shall be for the information of voters only and shall in no way limit the voters' choice among candidates.

Subpart 2

21-2-150.

~~(a) Whenever any political party holds a primary to nominate candidates~~ The general primary for public offices to be filled in the ensuing November election, such primary shall be held on the third Tuesday in July in each even-numbered year or, in the case of municipalities, on the third Tuesday in July in each odd-numbered year, except as provided in subsection (b) of this Code section.

(b)(1) Whenever the primary occurs during the same week of the national convention of either the political party whose candidates received the highest number of votes or the political party whose candidates received the next highest number of votes in the last presidential election, the general primary shall be conducted on the second Tuesday in July of such year. This paragraph shall not apply unless the date of the convention of the political party is announced by the political party prior to April 1 of the year in which the general primary is conducted.

(2) For general primaries held in the even-numbered year immediately following the official release of the United States decennial census data to the states for the purpose of

redistricting of the legislatures and the United States House of Representatives, the general primary shall be conducted on the next-to-last Tuesday in August.

21-2-151.

~~(a) A political party may elect its officials and shall nominate its candidates for public office in a primary. Except for substitute nominations as provided in Code Section 21-2-134 and nomination of presidential electors, all nominees of a political party for public office shall be nominated in the primary preceding the general election in which the candidates' names will be listed on the ballot.~~

~~(b) The primary held for such purposes shall be conducted by the superintendent in the same manner as prescribed by law and by rules and regulations of the State Election Board and the superintendent for general elections. Primaries of all political parties and all nonpartisan elections for nonpartisan offices other than those offices which were covered on July 1, 2001, by a local Act of the General Assembly which provided for election in a nonpartisan election without a prior nonpartisan primary shall be conducted jointly.~~

Reserved.

21-2-152.

(a) Primaries shall be held and conducted in all respects in accordance with this chapter relating to general elections and the provisions of this chapter relating to general elections shall apply thereto, insofar as practicable and not inconsistent with any other provisions of this chapter. All such primaries shall be conducted in each precinct by the poll officers, by the use of the same equipment and facilities, so far as practicable, as are used for such general elections.

~~(b) A political party, in nominating a candidate for public office in a municipal primary, may also may nominate persons to serve as poll officers for such primaries, and the superintendent shall consider such nominations but shall have discretion to appoint poll officers for each polling place in each precinct.~~

21-2-153.

(a) A candidate ~~for any party nomination in a state or county primary~~ may qualify for a state or county primary by either of the two following methods:

(1) Payment of a qualifying fee pursuant to Code Section 21-2-131; or

(2)(A) The submission of a pauper's affidavit by any candidate who has filed a qualifying petition as provided for in subsection (a.1) of this Code section, by which the candidate under oath affirms his or her poverty and his or her resulting inability to pay the qualifying fee otherwise required. The form of the affidavit shall be prescribed by

1 the Secretary of State and shall include a financial statement which lists the total
2 income, assets, liabilities, and other relevant financial information of the candidate and
3 shall indicate on its face that the candidate has neither the assets nor the income to pay
4 the qualifying fee otherwise required. The affidavit shall contain an oath that such
5 candidate has neither the assets nor the income to pay the qualifying fee otherwise
6 required. The following warning shall be printed on the affidavit form prepared by the
7 Secretary of State, to wit: 'WARNING: Any person knowingly making any false
8 statement on this affidavit commits the offense of false swearing and shall be guilty of
9 a felony.' The name of any candidate who subscribes and swears to an oath that such
10 candidate has neither the assets nor the income to pay the qualifying fee otherwise
11 required shall be placed on the ballot by the Secretary of State or election
12 superintendent, as the case may be.

13 (B) If a candidate seeks to qualify for a county or militia district office, the pauper's
14 affidavit and financial statement shall be presented to the county political party;
15 otherwise, the candidate shall file his or her pauper's affidavit and financial statement
16 with the state political party.

17 (a.1) No candidate shall be authorized to file a pauper's affidavit in lieu of paying the
18 qualifying fee otherwise required by this Code section and Code Section 21-2-131 unless
19 such candidate has filed a qualifying petition which complies with the following
20 requirements:

21 (1) A qualifying petition of a candidate seeking an office which is voted upon state wide
22 shall be signed by a number of voters equal to one-fourth of 1 percent of the total number
23 of registered voters eligible to vote in the last election for the filling of the office the
24 candidate is seeking and the signers of such petition shall be registered and eligible to
25 vote in the election at which such candidate seeks to be elected. A qualifying petition of
26 a candidate for any other office shall be signed by a number of voters equal to 1 percent
27 of the total number of registered voters eligible to vote in the last election for the filling
28 of the office the candidate is seeking and the signers of such petition shall be registered
29 and eligible to vote in the election at which such candidate seeks to be elected. However,
30 in the case of a candidate seeking an office for which there has never been an election or
31 seeking an office in a newly constituted constituency, the percentage figure shall be
32 computed on the total number of registered voters in the constituency who would have
33 been qualified to vote for such office had the election been held at the last general
34 election and the signers of such petition shall be registered and eligible to vote in the
35 election at which such candidate seeks to be elected;

36 (2) Each person signing a qualifying petition shall declare therein that he or she is a duly
37 qualified and registered elector of the state entitled to vote in the next election for the

1 filling of the office sought by the candidate supported by the petition and shall add to his
2 or her signature his or her residence address, giving municipality, if any, and county, with
3 street and number, if any. No person shall sign the same petition more than once. Each
4 petition shall support the candidacy of only a single candidate. A signature shall be
5 stricken from the petition when the signer so requests prior to the presentation of the
6 petition to the appropriate officer for filing, but such a request shall be disregarded if
7 made after such presentation;

8 (3) A qualifying petition shall be on one or more sheets of uniform size and different
9 sheets must be used by signers resident in different counties. The upper portion of each
10 sheet, prior to being signed by any petitioner, shall bear the name and title of the officer
11 with whom the petition will be filed, the name of the candidate to be supported by the
12 petition, his or her profession, business, or occupation, if any, his or her place of
13 residence with street and number, if any, the name of the office he or she is seeking, his
14 or her political party or body affiliation, if any, and the name and date of the election in
15 which the candidate is seeking election. If more than one sheet is used, they shall be
16 bound together when offered for filing if they are intended to constitute one qualifying
17 petition, and each sheet shall be numbered consecutively, beginning with number one,
18 at the foot of each page. Each sheet shall bear on the bottom or back thereof the affidavit
19 of the circulator of such sheet, setting forth:

20 (A) His or her residence address, giving municipality with street and number, if any;

21 (B) That each signer manually signed his or her own name with full knowledge of the
22 contents of the qualifying petition;

23 (C) That each signature on such sheet was signed within 180 days of the last day on
24 which such petition may be filed; and

25 (D) That, to the best of the affiant's knowledge and belief, the signers are registered
26 electors of the state qualified to sign the petition, that their respective residences are
27 correctly stated in the petition, and that they all reside in the county named in the
28 affidavit;

29 (4) No qualifying petition shall be circulated prior to 180 days before the last day on
30 which such petition may be filed, and no signature shall be counted unless it was signed
31 within 180 days of the last day for filing the same; and

32 (5) A qualifying petition shall not be amended or supplemented after its presentation to
33 the appropriate officer for filing.

34 ~~(b) Unless otherwise provided by law, all candidates for party nomination a state or county~~
35 ~~primary shall qualify as such candidates in accordance with the procedural rules of their~~
36 ~~party; provided, however, that no~~ No person who seeks to qualify as a candidate for public
37 office in a primary shall be prohibited from qualifying for such office if he or she:

1 (1) Meets the requirements of ~~such procedural rules~~ for qualification under this chapter;
 2 (2) Is eligible to hold the office which he or she seeks;
 3 (3) Is not prohibited from being ~~nominated or~~ elected by provisions of Code Section
 4 21-2-7 or 21-2-8; and
 5 (4) ~~If party rules so require, affirms~~ Affirms his or her allegiance to his or her party by
 6 signing the following oath: provided, however, that this paragraph shall apply only if
 7 such person is a candidate for a partisan office and indicates a political party preference
 8 on his or her declaration of candidacy and expresses a desire to have that preference
 9 appear on the primary and election ballot in conjunction with his or her name and party
 10 rules so require such affirmation of allegiance:

11 'I do hereby swear or affirm my allegiance to the (name of party) Party.'

12 (c)(1) In the case of a general state or county primary, the candidates or their agents shall
 13 commence qualifying at 9:00 A.M. on the fourth Monday in April immediately prior to
 14 the state or county primary and shall cease qualifying at 12:00 Noon on the Friday
 15 following the fourth Monday in April, notwithstanding the fact that any such days may
 16 be legal holidays; provided, however, that, in the case of a general primary held in the
 17 even-numbered year immediately following the official release of the United States
 18 decennial census data to the states for the purpose of redistricting of the legislatures and
 19 the United States House of Representatives, the candidates or their agents for political
 20 party nomination to county offices shall commence qualifying at 9:00 A.M. on the third
 21 Wednesday in June immediately prior to such primary and shall cease qualifying at 12:00
 22 Noon on the Friday following the third Wednesday in June, notwithstanding the fact that
 23 any such days may be legal holidays, and provided, further, that candidates for political
 24 party nomination to federal and state offices in a general primary shall commence
 25 qualifying at 9:00 A.M. on the third Wednesday in June immediately prior to such
 26 primary and shall cease qualifying at 12:00 Noon on the Friday following the third
 27 Wednesday in June, notwithstanding the fact that any such days may be legal holidays,
 28 and shall qualify in person or by their agents with ~~their respective political party~~ the
 29 Secretary of State in the state capitol under such rules and regulations as the Secretary of
 30 State may promulgate and provided, further, that all qualifying for federal and state
 31 offices on the last day of the qualifying period shall be conducted in the chamber of the
 32 House of Representatives in the state capitol. In the case of a special primary, the
 33 candidate shall qualify no earlier than the date of the call for the special primary and no
 34 later than 25 days prior to the date of such primary, and such qualifying period shall be
 35 open for a minimum of two and one-half days.

36 (2) ~~If a political party has not designated at least 14 days prior to the beginning of~~
 37 ~~qualifying a party official in a county with whom the candidates of such party for county~~

~~elective offices shall qualify, the~~ The election superintendent of the county shall qualify candidates ~~on behalf of such party~~ for county elective office. The election superintendent shall give notice in the legal organ of the county at least three days before the beginning of qualifying giving the dates, times, and location for qualifying candidates ~~on behalf of such political party~~.

(d)(1) Within two hours after the qualifications have ceased, ~~the county executive committee of each political party shall post at the county courthouse a list of all candidates who have qualified with such executive committee, and the state executive committee of each political party shall post a list of all candidates who have qualified with such committee at the courthouse of the county in which such executive committee's office is located. If the election superintendent qualifies the candidates for a political party in accordance with subsection (c) of this Code section,~~ the election superintendent shall post at the county courthouse a list of all the candidates who have qualified with such superintendent ~~for such political party~~.

(2) Except as otherwise provided in Code Section 21-2-154, it shall be unlawful for any person to add or remove any candidates from either of the lists provided for in paragraph (1) of this subsection following the posting of such lists unless such candidates have died, withdrawn, or been disqualified. Any person who violates this paragraph shall be guilty of a misdemeanor.

(e) Each candidate ~~for party nomination~~ described in subsection (a) of this Code section shall file an affidavit with the ~~political party~~ county superintendent or Secretary of State at the time of his or her qualifying stating:

- (1) His or her full name and the name as the candidate desires it to be listed on the ballot;
- (2) His or her residence, with street and number, if any, and his or her post office address;
- (3) His or her profession, business, or occupation, if any;
- (4) The name of his or her precinct;
- (5) That he or she is an elector of the county of his or her residence eligible to vote in the primary election ~~in which he or she is a candidate for nomination~~;
- (6) The name of the office he or she is seeking;
- (7) That he or she is eligible to hold such office;
- (8) That the candidate has never been convicted and sentenced in any court of competent jurisdiction for fraudulent violation of primary or election laws, malfeasance in office, or felony involving moral turpitude under the laws of this state or any other state or of the United States, or that the candidate's civil rights have been restored and that at least ten years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude;

(9) That he or she will not knowingly violate this chapter or rules or regulations adopted under this chapter; and

(10) Any other information as may be determined by the Secretary of State to be necessary to comply with federal and state law.

(f) Candidates for the office of presidential elector or their agents who have been nominated in accordance with the rules of a political party shall qualify beginning at 9:00 A.M. on the fourth Monday in April in the year in which a presidential election shall be held and shall cease qualifying at 12:00 Noon on the Friday following the fourth Monday in April, notwithstanding the fact that any such days may be legal holidays; provided, however, that, for presidential elections held in the even-numbered year immediately following the official release of the United States decennial census data to the states for the purpose of redistricting of the legislatures and the United States House of Representatives, candidates for the office of presidential elector who have been nominated in accordance with the rules of a political party shall commence qualifying beginning at 9:00 A.M. on the third Wednesday in June immediately prior to such election and shall cease qualifying at 12:00 Noon on the Friday following the third Wednesday in June, notwithstanding the fact that any such days may be legal holidays, and shall qualify in person or by their agents with their respective political party in the state capitol under such rules and regulations as the Secretary of State may promulgate.

21-2-153.1.

~~(a) Unless otherwise provided by law, all candidates for party nomination in a municipal primary shall qualify as such candidates in accordance with the rules of their party. In the case of a general municipal primary, the candidates, or their agents, shall qualify at least 15 but not more than 45 days prior to the date of such primary, and such qualifying period shall be open for a minimum of two and one-half days. In the case of a special municipal primary, the candidates, or their agents, shall qualify at least ten but not more than 30 days prior to the date of such primary, and such qualifying period shall be open for a minimum of two and one-half days. The executive committee or other rule-making body of the party shall fix the qualifying date within the limitations provided in this Code section.~~

~~(b) After the expiration of the applicable qualification deadline prescribed in subsection (a) of this Code section, each candidate for nomination to a municipal office, having no opposing candidates within his or her own political party, shall automatically become the nominee of his or her party for such office if the applicable city charter or ordinance does not provide to the contrary. The name of such an unopposed candidate and the title of the nomination he or she is seeking shall not be placed upon the primary ballots or ballot labels. The proper officials of his or her political party shall certify the candidate as the~~

1 ~~party nominee for the office involved for the purpose of having his or her name placed~~
2 ~~upon the election ballots or ballot labels. In applying Code Sections 21-2-131 through~~
3 ~~21-2-134, such an unopposed municipal candidate shall be deemed to have been nominated~~
4 ~~in a primary held by his or her political party.~~

5 ~~(c) No person shall qualify with any political party as a candidate for nomination to any~~
6 ~~municipal office when such person has qualified for the same primary with another~~
7 ~~political party as a candidate for nomination by that party for any municipal office; nor~~
8 ~~shall a municipal or other appropriate executive committee of a political party certify any~~
9 ~~person as the candidate of said party when such person has previously qualified as a~~
10 ~~candidate for nomination for any public office for the same primary with another political~~
11 ~~party.~~

12 ~~(d)~~(b) Each candidate for party nomination described in subsection (a) of this Code section
13 shall file an affidavit with the ~~political party~~ municipal superintendent at the time of his or
14 her qualifying stating:

15 (1) His or her residence, with street and number, if any, and his or her post office
16 address;

17 (2) His or her profession, business, or occupation, if any;

18 (3) The name of his or her precinct;

19 (4) That he or she is an elector of the municipality of his or her residence and is eligible
20 to vote in the primary election ~~in which he or she is a candidate for nomination;~~

21 (5) The name of the office he or she is seeking;

22 (6) That he or she is eligible to hold such office;

23 (7) That he or she has never been convicted and sentenced in any court of competent
24 jurisdiction for fraudulent violation of primary or election laws, malfeasance in office,
25 or felony involving moral turpitude under the laws of this state or any other state or of the
26 United States, or that his or her civil rights have been restored; and

27 (8) That he or she will not knowingly violate this chapter or any rules and regulations
28 adopted under this chapter.

29 ~~(e)~~(c) Within two hours after the qualifications have ceased, the ~~municipal executive~~
30 ~~committee of each political party~~ municipal superintendent shall post a list of all candidates
31 who have qualified ~~with such committee~~ at city hall.

32 21-2-154.

33 ~~(a) At or before 12:00 Noon on the third day after the deadline for qualifying, the county~~
34 ~~executive committee of each political party shall certify to the superintendent and the state~~
35 ~~executive committee of each political party shall certify to the Secretary of State, on forms~~
36 ~~prescribed by the Secretary of State, all those candidates who have qualified with such~~

committee for the succeeding primary election. Such certification shall be accompanied by the appropriate amount of the qualifying fees paid by such candidates as prescribed in paragraph (1) or (2) of subsection (c) of Code Section 21-2-131 and a copy of the declaration of candidacy and affidavit of each such candidate. Such certification shall not be accepted if the political party has not registered with the Secretary of State as required in Article 3 of this chapter. When the election superintendent qualifies candidates on behalf of a political party pursuant to subsection (c) of Code Section 21-2-153, the election superintendent shall certify at or before 12:00 Noon on the third day after the deadline for qualifying, on forms provided by the Secretary of State, all those candidates of such political party who qualified with the election superintendent.

(b) Any candidate whose name does not appear on the list of candidates posted by a county executive committee or the state executive committee pursuant to subsection (d) of Code Section 21-2-153 shall not be certified under this Code section; provided, however, that the name of a candidate who has properly qualified whose name has been left off of the list of candidates through inadvertence or clerical error may be placed upon such list upon the filing of an affidavit by the county executive committee or the state executive committee, as appropriate, attesting to such inadvertence or error. The county executive committee of each political party shall attach to its certification a copy of the affidavits required by paragraph (2) of subsection (b) of Code Section 15-6-50, paragraph (2) of subsection (a) of Code Section 15-9-2, subparagraph (c)(2)(A) of Code Section 15-16-1, paragraph (2) of subsection (b) of Code Section 45-16-1, and paragraph (2) of subsection (b) of Code Section 48-5-210: Reserved.

21-2-155.

In the event of the death of a candidate prior to the date of a political party primary the state executive committee or other committee of the party authorized by party rule or, in the case of a municipal election, the municipal executive committee may reopen qualification for the office sought by the deceased candidate for a period of not less than one nor more than three days: Reserved.

21-2-156.

(a) The expenses of a primary shall be paid by the respective county, except that the expenses of municipal primaries shall be governed by subsections (b) and (c) subsection (b) of this Code section, and forms listed under paragraph (5) of Code Section 21-2-50 shall be furnished upon request by the Secretary of State.

(b) The expenses of a municipal primary shall be borne by the political party holding such primary except as provided in this subsection and subsection (c) of this Code section, and

1 ~~except that the expenses of providing polling places on public premises and electors lists~~
2 ~~shall be paid by the respective municipalities~~ municipality.

3 ~~(c) The governing authority of each municipality may in its discretion authorize the~~
4 ~~payment by the municipality of any or all primary expenses other than those required by~~
5 ~~subsection (b) of this Code section to be paid by the municipality. This authorization of~~
6 ~~payment by the municipality of other primary expenses shall extend only to the expenses~~
7 ~~of primaries conducted by political parties which meet the definition of a 'political party'~~
8 ~~contained in paragraph (25) of Code Section 21-2-2. Such additional expenditures as a~~
9 ~~municipal governing authority elects to make under this subsection are declared to be for~~
10 ~~a public purpose.~~

11 21-2-157.

12 (a) The governing authority of any municipality may call and hold a nonpartisan primary
13 for the purpose of ~~nominating~~ winnowing candidates to seek municipal office in a
14 subsequent election. If held, such a nonpartisan primary shall be held at least 50 but not
15 more than 60 days prior to the date of the election for which nominations are to be made;
16 and the call for such primary shall be publicly issued at least 60 days prior to the date of
17 holding the primary. To the extent practicable, the provisions of this chapter which apply
18 to the preparation for and conduct of primaries of political parties shall also apply to the
19 preparation for and conduct of municipal nonpartisan primaries.

20 (b) Each candidate ~~for nomination to an office~~ in a nonpartisan primary shall qualify as
21 such candidate by personally, or by his or her duly authorized agent, filing notice of his or
22 her candidacy in the office of the superintendent of his or her municipality at least 45 days
23 prior to the date of the primary, in accordance with the provisions of the charter and
24 ordinances of the municipality not inconsistent with the requirements of this chapter.

25 (c) The expenses of a municipal nonpartisan primary may be paid by the municipality
26 calling and holding such primary; provided, however, that the expenses of providing
27 polling places on public premises and electors lists shall be paid by the municipality.

28 21-2-158.

29 ~~In any general primary where an unopposed candidate is seeking party nomination for a~~
30 ~~public office, where such candidate's name appears on the primary ballot but such~~
31 ~~candidate fails to receive a single vote, such candidate shall not be nominated for such~~
32 ~~public office and such party shall not have a candidate for that public office on the ballot~~
33 ~~in the ensuing general election~~ Reserved.

PART 3

21-2-170.

~~(a) In addition to the party nominations made at primaries, nominations of candidates for public office other than municipal office may be made by nomination petitions signed by electors and filed in the manner provided in this Code section, and such nomination by petition may also be made for municipal public office if provided for by the municipality's charter or by municipal ordinance. Such petition shall be in the form prescribed by the officers with whom they are filed, and no forms other than the ones so prescribed shall be used for such purposes, but such petitions shall provide sufficient space for the printing of the elector's name as well as for his or her signature. In addition to the other requirements provided for in this Code section, each elector signing a nomination petition shall also print his or her name thereon.~~

~~(b) A nomination petition of a candidate seeking an office which is voted upon state wide shall be signed by a number of voters equal to 1 percent of the total number of registered voters eligible to vote in the last election for the filling of the office the candidate is seeking and the signers of such petition shall be registered and eligible to vote in the election at which such candidate seeks to be elected. A nomination petition of a candidate for any other office shall be signed by a number of voters equal to 5 percent of the total number of registered voters eligible to vote in the last election for the filling of the office the candidate is seeking and the signers of such petition shall be registered and eligible to vote in the election at which such candidate seeks to be elected. However, in the case of a candidate seeking an office for which there has never been an election or seeking an office in a newly constituted constituency, the percentage figure shall be computed on the total number of registered voters in the constituency who would have been qualified to vote for such office had the election been held at the last general election and the signers of such petition shall be registered and eligible to vote in the election at which such candidate seeks to be elected.~~

~~(c) Each person signing a nomination petition shall declare therein that he or she is a duly qualified and registered elector of the state, county, or municipality entitled to vote in the next election for the filling of the office sought by the candidate supported by the petition and shall add to his or her signature his or her residence address, giving municipality, if any, and county, with street and number, if any, and be urged to add the person's date of birth which shall be used for verification purposes. No person shall sign the same petition more than once. Each petition shall support the candidacy of only a single candidate, except any political body seeking to have the names of its candidates for the offices of presidential electors placed upon the ballot through nomination petitions shall not compile a separate~~

~~petition for each candidate for such office, but such political body shall compile its petitions so that the entire slate of candidates of such body for such office shall be listed together on the same petition. A signature shall be stricken from the petition when the signer so requests prior to the presentation of the petition to the appropriate officer for filing, but such a request shall be disregarded if made after such presentation.~~

~~(d) A nomination petition shall be on one or more sheets of uniform size and different sheets must be used by signers resident in different counties or municipalities. The upper portion of each sheet, prior to being signed by any petitioner, shall bear the name and title of the officer with whom the petition will be filed, the name of the candidate to be supported by the petition, his or her profession, business, or occupation, if any, his or her place of residence with street and number, if any, the name of the office he or she is seeking, his or her political body affiliation, if any, and the name and date of the election in which the candidate is seeking election. If more than one sheet is used, they shall be bound together when offered for filing if they are intended to constitute one nomination petition, and each sheet shall be numbered consecutively, beginning with number one, at the foot of each page. Each sheet shall bear on the bottom or back thereof the affidavit of the circulator of such sheet, which affidavit must be subscribed and sworn to by such circulator before a notary public and shall set forth:~~

~~(1) His or her residence address, giving municipality with street and number, if any;~~

~~(2) That each signer manually signed his or her own name with full knowledge of the contents of the nomination petition;~~

~~(3) That each signature on such sheet was signed within 180 days of the last day on which such petition may be filed; and~~

~~(4) That, to the best of the affiant's knowledge and belief, the signers are registered electors of the state qualified to sign the petition, that their respective residences are correctly stated in the petition, and that they all reside in the county or municipality named in the affidavit.~~

~~No notary public may sign the petition as an elector or serve as a circulator of any petition which he or she notarized. Any and all sheets of a petition that have the circulator's affidavit notarized by a notary public who also served as a circulator of one or more sheets of the petition or who signed one of the sheets of the petition as an elector shall be disqualified and rejected.~~

~~(e) No nomination petition shall be circulated prior to 180 days before the last day on which such petition may be filed, and no signature shall be counted unless it was signed within 180 days of the last day for filing the same.~~

~~(f) A nomination petition shall not be amended or supplemented after its presentation to the appropriate officer for filing.~~

~~(g) Only those candidates whose petitions are accompanied by a certificate sworn to by the chairperson and secretary of a political body duly registered with the Secretary of State as required by Code Section 21-2-110, stating that the named candidate is the nominee of that political body by virtue of being nominated in a convention, as prescribed in Code Section 21-2-172, shall be listed on the ballot under the name of the political body. All petition candidates not so designated as the nominee of a political body shall be listed on the ballot in the independent column.~~

~~(h) Notwithstanding the provisions of this Code section, candidates for municipal offices may be nominated by petitions as provided for in this Code section only if the municipality authorizes such nominations by petitions in its charter or by ordinance. Reserved.~~

~~21-2-171.~~

~~(a) When any nomination petition is presented in the office of the Secretary of State or of any superintendent for filing within the period limited by this chapter, it shall be the duty of such officer to examine the same to the extent necessary to determine if it complies with the law. No nomination petition shall be permitted to be filed if:~~

~~(1) It contains material errors or defects apparent on the face thereof;~~

~~(2) It contains material alterations made after signing without the consent of the signers;~~

~~or~~

~~(3) It does not contain a sufficient number of signatures of registered voters as required by law.~~

~~The Secretary of State or any superintendent shall review the petition for compliance with the provisions of Code Section 21-2-170 and shall disregard any pages or signatures that are not in conformance with the provisions of that Code section. The Secretary of State or any superintendent may question the genuineness of any signature appearing on a petition or the qualification of any signer whose signature appears thereon and, if he or she shall thereupon find that any such signature is improper, such signature shall be disregarded in determining whether the petition contains a sufficient number of signatures as required by law. The invalidity of any sheet of a nomination petition shall not affect the validity of such petition if a sufficient petition remains after eliminating such invalid sheet.~~

~~(b) Upon the filing of a nomination petition, the officer with whom it is filed shall begin expeditiously to examine the petition to determine if it complies with the law. During such examination the officer shall have the right to summon by subpoena on two days' notice and interrogate under oath the candidate named in the petition, any person who signed the petition, any person who executed or witnessed any affidavit or certificate accompanying the petition, or any other person who may have knowledge of any matter relevant to the examination. Such officer shall also have the right to subpoena on two days' notice any~~

1 ~~record relevant to the examination. No witness shall be compelled to attend if he or she~~
2 ~~should reside more than 100 miles from the place of hearing by the nearest practical route;~~
3 ~~provided, however, that the officer may compel the taking of his or her testimony by~~
4 ~~deposition in the county of the residence of the witness. The sheriff of any county, or his~~
5 ~~or her deputy, or agent of the officer shall serve all processes issued by the officer, or the~~
6 ~~same may be served by United States registered or certified mail or statutory overnight~~
7 ~~delivery, and the production of an appropriate return receipt issued by the United States~~
8 ~~post office or commercial delivery firm shall constitute prima-facie evidence of such~~
9 ~~service. In case of the refusal of any person subpoenaed to attend or testify, such fact shall~~
10 ~~be reported forthwith by the officer to the appropriate superior court, or to a judge thereof,~~
11 ~~and such court or judge shall order such witness to attend and testify, and, on failure or~~
12 ~~refusal to obey such order, such witness shall be dealt with as for contempt. Any witness~~
13 ~~so subpoenaed, and after attending, shall be allowed and paid the same mileage and fee as~~
14 ~~now allowed and paid witnesses in civil actions in the superior court. The officer shall not~~
15 ~~be bound by technical rules of evidence in hearing such testimony. The testimony presented~~
16 ~~shall be stenographically recorded and made a part of the record of the examination. If the~~
17 ~~petition complies with the law, it shall be granted and the candidate named therein shall be~~
18 ~~notified in writing. If the petition fails to comply with the law, it shall be denied and the~~
19 ~~candidate named therein shall be notified of the cause for such denial by letter directed to~~
20 ~~his or her last known address. In neither case shall the petition be returned to the candidate.~~
21 ~~(c) The decision of the officer denying a nomination petition may be reviewed by the~~
22 ~~superior court of the county containing the office of such officer upon an application for~~
23 ~~a writ of mandamus to compel the granting of such petition. The application for such writ~~
24 ~~of mandamus shall be made within five days of the time when the petitioner is notified of~~
25 ~~such decision. Upon the application being made, a judge of such court shall fix a time and~~
26 ~~place for hearing the matter in dispute as soon as practicable, and notice thereof shall be~~
27 ~~served with a copy of such application upon the officer with whom the nomination petition~~
28 ~~was filed and upon the petitioner. At the time so fixed the court, or any judge thereof~~
29 ~~assigned for the purpose, shall hear the case. If after such hearing the said court shall find~~
30 ~~that the decision of the officer was erroneous, it shall issue its mandate to the officer to~~
31 ~~correct his or her decision and to grant the nomination petition. From any decision of the~~
32 ~~superior court an appeal may be taken within five days after the entry thereof to the~~
33 ~~Supreme Court. It shall be the duty of the Supreme Court to fix the hearing and to~~
34 ~~announce its decision within such period of time as will permit the name of the candidate~~
35 ~~affected by the court's decision to be printed on the ballot if the court should so~~
36 ~~determined. Reserved.~~

1 21-2-172.

2 (a) Any political party desiring to nominate its candidates for presidential electors by
3 ~~convention, any political body desiring to nominate its candidates qualifying with petitions~~
4 ~~by convention, and any political body desiring to nominate its candidates for state-wide~~
5 ~~public office by convention by virtue of qualifying under Code Section 21-2-180~~ shall,
6 through its state executive committee, adopt rules and regulations in conformity with this
7 Code section governing the holding of such conventions ~~for the nomination of candidates~~
8 ~~for any state, district, or county office~~. Such rules and regulations shall be filed with the
9 Secretary of State, and no amendment to such rules and regulations shall be effective unless
10 filed with the Secretary of State at least 30 days prior to the date of such convention. The
11 state party or body chairperson of such political party or body and its secretary shall
12 accompany the filing of such rules and regulations with their certificate certifying that the
13 rules and regulations therein filed are a true and correct copy of the rules and regulations
14 of the party pertaining to the nomination of candidates by the convention method.

15 (b) The Secretary of State shall examine all such rules and all amendments thereto as shall
16 be filed with him or her within 15 days after receipt thereof. If, in the opinion of the
17 Secretary of State, any rule or regulation, or any part thereof, does not meet the
18 requirements prescribed by this Code section, he or she shall notify the state party or body
19 chairperson and secretary of such party or body in writing, stating therein his or her reasons
20 for rejecting such rule or regulation. If, in the judgment of the Secretary of State, such rules
21 and regulations meet the requirements prescribed by this Code section, they shall be
22 approved.

23 (c) The Secretary of State shall not approve any such rules or regulations unless they
24 provide:

25 (1) That a notice of the proposed date for the holding of any such convention must be
26 published in a newspaper having a general circulation within the area to be affected at
27 least ten days prior to the date of any such convention. Such notice shall also state the
28 purpose for which the convention has been called;

29 (2) That delegates to the convention shall be certified pursuant to appropriate party or
30 body rules by the proper party or body officials;

31 (3) That delegates to the convention shall be apportioned in such manner as will properly
32 reflect the number of electors residing within the political subdivisions or areas affected
33 in accordance with the last United States decennial census, or apportioned according to
34 the number of votes received by the party's candidate for the office of President of the
35 United States in the last presidential election in the areas concerned, or apportioned
36 according to the number of votes received by the party's candidate for the office of
37 Governor of Georgia in the last gubernatorial election in the areas concerned;

(4) In the event that more than one county is involved, each county shall have at least one delegate to the convention, and such additional delegates as shall be allotted thereto shall be apportioned according to paragraph (3) of this subsection; and

(5) That a certified copy of the minutes of the convention, attested to by the chairperson and secretary of the convention, must be filed by the nominee with his or her notice of candidacy.

(d) Any candidate nominated by convention shall be required to pay to the person with whom he or she files his or her notice of candidacy the same qualifying fee or the same pauper's affidavit and qualifying petition as that required of other candidates for the same office.

(e) A convention for the purpose of nominating candidates shall be held at least 150 days prior to the date on which the general election is conducted; provided, however, that, in the case of a general election held in the even-numbered year immediately following the official release of the United States decennial census data to the states for the purpose of redistricting of the legislatures and the United States House of Representatives, the convention shall be held at least 120 days prior to the date on which the general election is conducted.

~~(f) Nothing contained within this Code section shall be construed so as to apply to the nomination of substitute candidates by convention pursuant to Code Section 21-2-134 or to the nomination of candidates in special elections.~~

~~21-2-180.~~

~~Any political body which is duly registered as provided for in Code Section 21-2-110 is qualified to nominate candidates for state-wide public office by convention if:~~

~~(1) The political body files with the Secretary of State a petition signed by voters equal in number to 1 percent of the registered voters who were registered and eligible to vote in the preceding general election; or~~

~~(2) At the preceding general election, the political body nominated a candidate for state-wide office and such candidate received a number of votes equal to 1 percent of the total number of registered voters who were registered and eligible to vote in such general election.~~

~~21-2-181.~~

~~Petitions to qualify political bodies to nominate candidates for state-wide public office by convention shall be filed with the Secretary of State and shall be signed by voters in the manner provided in this part. Such petitions shall provide sufficient space for the printing of the voter's name and for the voter's signature. No forms other than those prescribed in~~

~~this part shall be used for qualifying a political body to nominate candidates for public office.~~

~~21-2-182.~~

~~Each person signing a political body qualifying petition shall declare therein that such person is a duly qualified and registered voter of the state, entitled to vote in the next election for members of the General Assembly, and shall provide with such person's signature such person's residence address and county and the date of such person's signature. No person shall sign the same petition more than once. Each petition shall support the qualification of only one political body. No signature shall be valid if made more than 15 months prior to the submission of the petitions to the Secretary of State. A signature shall be stricken from the petition when the signer so requests prior to the presentation of the petitions to the Secretary of State for filing, but such request shall be disregarded if made after such presentation.~~

~~21-2-183.~~

~~(a) A petition to qualify a political body to nominate candidates for public office by convention shall be on one or more sheets of uniform size, and different sheets must be used by signers residing in different counties. The upper portion of each sheet, prior to being signed by any petitioner, shall bear the name and title of the Secretary of State and the political body to be formed by the petition. If more than one sheet is used, they shall be bound together when offered for filing and each sheet shall be numbered consecutively, beginning with number one, at the foot of each page.~~

~~(b) Each sheet shall bear on the bottom or back thereof the affidavit of the circulator of such sheet setting forth:~~

~~(1) The residence address of the circulator;~~

~~(2) That each signer manually signed such signer's own name with full knowledge of the contents of the political body qualifying petitions;~~

~~(3) That, to the best of the affiant's knowledge and belief, the signers are registered voters of the State of Georgia, qualified to sign the petition;~~

~~(4) That their respective residences are correctly stated in the petition; and~~

~~(5) That they all reside in the county named in the affidavit.~~

~~21-2-184.~~

~~A petition to qualify a political body to nominate candidates for state-wide public office by convention shall not be amended or supplemented after its presentation to the Secretary of State for filing.~~

~~21-2-185.~~

~~No petition to qualify a political body shall be submitted to the Secretary of State for verification after 12:00 Noon on the second Tuesday in July.~~

~~21-2-186.~~

~~Petitions to qualify a political body to nominate candidates for state-wide public office by convention shall be examined and shall be subject to judicial review in the same manner as provided for candidates nominated by petition pursuant to Code Section 21-2-171.~~

~~21-2-187.~~

~~Political bodies shall hold their conventions in accordance with Code Section 21-2-172 and candidates nominated for state-wide public office in convention shall file a notice of candidacy no earlier than 9:00 A.M. on the fourth Monday in June immediately prior to the election and no later than 12:00 Noon on the Friday following the fourth Monday in June as prescribed in Code Section 21-2-132; provided, however, that the political body must file its qualifying petition no later than 12:00 Noon on the second Tuesday in July following the convention as prescribed in Code Section 21-2-172 in order to qualify its candidates to be listed on the general election ballot; provided, further, that, for general elections held in the even-numbered year immediately following the official release of the United States decennial census data to the states for the purpose of redistricting of the legislatures and the United States House of Representatives, candidates nominated for state-wide public office shall file a notice of candidacy no earlier than 9:00 A.M. on the last Monday in July immediately prior to the election and no later than 12:00 Noon on the Friday following the last Monday in July as prescribed in Code Section 21-2-132; provided, further, that the political body must file its qualifying petition no later than 12:00 Noon on the first Monday in August following the convention as prescribed in Code Section 21-2-172 in order to qualify its candidates to be listed on the general election ballot.~~

ARTICLE 5

~~21-2-190.~~

~~This article shall be known and may be cited as the 'Georgia Presidential Preference Primary Law.'~~

1 21-2-191.

2 As provided in this article, a presidential preference primary shall be held in 1992 and
3 every four years thereafter for each political party or body which has cast for its candidates
4 for President and Vice President in the last presidential election more than 20 percent of
5 the total vote cast for President and Vice President in the state, so that the electors may
6 express their preference for one person to be the candidate for nomination by such person's
7 party or body for the office of President of the United States; provided, however, that no
8 elector shall vote in the primary of more than one political party or body in the same
9 presidential preference primary. Such primary shall be held on March 3, 1992, and on the
10 first Tuesday in March every four years thereafter. A state political party or body may by
11 rule choose to elect any portion of its delegates to that party's or body's presidential
12 nominating convention in the primary; and, if a state political party or body chooses to elect
13 any portion of its delegates, such state political party or body shall establish the qualifying
14 period for those candidates for delegate and delegate alternate positions which are to be
15 elected in the primary and for any party officials to be elected in the primary and shall also
16 establish the date on which state and county party executive committees shall certify to the
17 Secretary of State or the superintendent, as the case may be, the names of any such
18 candidates who are to be elected in the primary; provided, however, that such dates shall
19 not be later than December 31 in the year preceding the year in which the presidential
20 preference primary is to be held.

21 21-2-192.

22 It shall be the duty of the Governor to issue his proclamation for such presidential
23 preference primary, a copy of which shall be transmitted promptly by the Secretary of State
24 to the superintendent of each county.

25 21-2-193.

26 Not later than December 31 in the year preceding the year in which a presidential
27 preference primary is to be held, the state executive committee of each party which is to
28 conduct a presidential preference primary shall submit to the Secretary of State a list of the
29 names of the candidates of such party to appear on the presidential preference primary
30 ballot. Such lists shall be published by the Secretary of State in a newspaper of general
31 circulation in the state during the first week of January in the year in which the presidential
32 preference primary is to be held.

33 21-2-194.

34 ~~Repeated.~~ Reserved.

1 21-2-195.

2 The state executive committee of each political party or body shall determine the method
3 and procedures by which delegates and delegate alternates to the national nominating
4 conventions are to be selected as well as adopt any other rule not inconsistent with this
5 article. The state executive committee of the political party or body shall establish, at least
6 90 days prior to the presidential preference primary, procedures to be followed in the
7 nomination of candidates for delegates and delegate alternates to the nominating
8 convention of the political party or body. A copy of any rule or regulation adopted by the
9 state executive committee shall be sent to the Secretary of State within seven days after its
10 adoption, to become a public record.

11 21-2-196.

12 Any person selected as a delegate or delegate alternate to such national convention shall
13 file a qualification oath with the Secretary of State pledging support at the convention to
14 the candidate of their political party or body for the office of President of the United States
15 for whom they are selected to support. The oath shall state that the delegate or delegate
16 alternate affirms to support such candidate until the candidate is either nominated by such
17 convention or receives less than 35 percent of the votes for nomination by such convention
18 during any balloting, or until the candidate releases the delegates from such pledge. No
19 delegate shall be required to vote for such candidate after two convention nominating
20 ballots have been completed.

21 21-2-197.

22 Any delegate to a national convention whose presidential candidate withdraws after being
23 entitled to delegate votes pursuant to this article shall be an unpledged delegate to the
24 national convention.

25 21-2-198.

26 No qualifying fee may be assessed for presidential candidates or for candidates for delegate
27 or delegate alternate whose names are listed on a presidential preference primary ballot.

28 21-2-199.

29 ~~The presidential preference primary may be considered as a general primary for any~~
30 ~~political party wishing to elect committee members or officers therein. Such party shall~~
31 ~~prescribe by state party charter, bylaws, or rules and regulations regarding qualifying of~~
32 ~~candidates and the fixing and publishing of qualifying fees, if any. Reserved.~~

1 21-2-200.

2 A presidential preference primary shall be conducted, insofar as practicable, pursuant to
3 this chapter respecting general primaries, except as otherwise provided in this article. In
4 setting up the form of the ballot, the Secretary of State shall provide for designating the
5 name of the candidate to whom a candidate for delegate or delegate alternate is pledged,
6 if any.

7 ARTICLE 6

8 21-2-210.

9 The Secretary of State is designated as the chief state election official to coordinate the
10 responsibilities of this state under the National Voter Registration Act of 1993 (P.L.
11 103-31) as required by 42 U.S.C. Section 1973gg-8.

12 21-2-211.

13 (a) The Secretary of State shall establish and maintain a list of all eligible and qualified
14 registered electors in this state which shall be the official list of electors for use in all
15 elections in this state conducted under this title.

16 (b)(1) As used in this subsection, the term 'equipment' shall include, but not be limited
17 to, computer hardware; computer software; modems, controllers, and other data
18 transmission devices; data transmission lines; scanners and other digital imaging devices;
19 and printers.

20 (2) The Secretary of State is authorized to procure and provide all of the necessary
21 equipment to permit the county boards of registrars to access and utilize the official list
22 of electors maintained by the Secretary of State pursuant to this Code section, provided
23 that funds are specifically appropriated by the General Assembly for that purpose.

24 21-2-212.

25 (a) The judge of the superior court in each county or the senior judge in time of service in
26 those counties having more than one judge shall appoint quadrennially, upon the
27 recommendation of the grand jury of such county, not less than three nor more than five
28 judicious, intelligent, and upright electors of such county as county registrars. The grand
29 jury shall submit to the judge the names of ten such electors and the appointment shall be
30 made therefrom and shall be entered on the minutes of the court. When making such
31 appointments, the judge will designate one of the registrars as chief registrar who shall
32 serve as such during such registrar's term of office, and such designation shall likewise be
33 entered on the minutes of the court. It shall be the duty of the clerk of the superior court to

1 certify the appointments and designation to the Secretary of State within 30 days after the
2 appointments and designation, and commissions shall be issued as for county officers.
3 When certifying such names to the Secretary of State, the clerk of the superior court shall
4 also list the addresses of the registrars. Such judge will have the right to remove one or
5 more of such registrars at any time for cause after notice and hearing. In case of the death,
6 resignation, or removal of a registrar, the judge shall appoint a successor who shall serve
7 until the next grand jury convenes, at which time the grand jury shall submit to the judge
8 the names of two judicious, intelligent, and upright electors of such county; and the judge
9 shall make an appointment from said list, such successor to serve the unexpired term of
10 such registrar's predecessor in office. In the event the grand jury is in session at the time
11 of any such death, removal, or resignation, such grand jury shall immediately submit the
12 names of said electors to the judge for such appointment. Each such appointment or change
13 in designation shall be entered on the minutes of the court and certified as provided in this
14 Code section.

15 (b) Appointees under this article shall serve for a term of four years and until their
16 successors are appointed and qualified, except in the event of resignation or removal as
17 provided in subsection (a) of this Code section. Their terms shall commence on July 1 and
18 expire on June 30 four years thereafter. The first new grand jury which convenes in each
19 county in the year 1965, and each four years thereafter, shall submit to the judge the list of
20 names as provided in subsection (a) of this Code section. Such list shall be submitted to the
21 judge, who shall appoint the registrars and designate the chief registrar prior to June 30. No
22 appointment for a full term shall be made prior to January 1 of the year in which the
23 appointee is to take office. If no such grand jury is convened or, if convened but failed to
24 recommend, the judge shall appoint the registrars without the necessity of any
25 recommendation. In the event that a registrar holds over beyond the end of the registrar's
26 term of office due to the failure to have a successor timely appointed and qualified, the
27 successor shall be appointed to serve the remainder of the term of office and shall not
28 receive a new four-year term of office.

29 (c) The governing authority of each municipality shall appoint registrars as necessary, and
30 the appointments shall be entered on the minutes of the governing authority. The governing
31 authority shall designate one of the registrars as chief registrar. The chief registrar will
32 serve as such during such registrar's term of office, and such designation shall likewise be
33 entered on the minutes of the governing authority. Such registrars shall serve at the
34 pleasure of the governing authority, and compensation of the registrars shall be fixed by
35 the governing authority. Any registrar shall have the right to resign at any time by
36 submitting a resignation to such governing authority. In the event of any such removal or
37 resignation of a registrar, such registrar's duties and authority as such shall terminate

1 instantly. Successors to resigned registrars shall be appointed by the governing authority.
2 Each appointment or change in designation shall be entered on the minutes of the
3 governing authority and certified by the governing authority. The governing authority may
4 furnish such employees and facilities as it deems necessary for the operation of the office
5 and the affairs of the registrars.

6 (d) The chief registrar shall be the chief administrative officer of the board of registrars
7 and shall generally supervise and direct the administration of the affairs of the board of
8 registrars. The chief registrar shall act as chairperson of the board of registrars and, as chief
9 registrar, shall perform those functions normally devolving upon the chairperson. The
10 board of registrars shall meet each month on a day selected by the chief registrar to transact
11 the business of the board. The board shall also meet at other times as needed upon the call
12 of the chief registrar or upon the request of two or more of the registrars. The chief registrar
13 shall be compensated in an amount of not less than \$61.00 per day for each day of service
14 on the business of the board of registrars. The other registrars shall be compensated in an
15 amount of not less than \$48.00 per day for each day of service on the business of the board
16 of registrars. In lieu of the per diem compensation provided for in this subsection, the chief
17 registrar may be compensated in an amount not less than \$272.00 per month and the other
18 registrars in an amount not less than \$242.00 per month. The per diem or monthly
19 compensation, as the case may be, shall be fixed, subject to the limitations provided for in
20 this subsection, by the governing authority of each county and shall be paid from county
21 funds. The compensation of other officers and employees appointed and employed under
22 this article shall be fixed by the board of registrars with the approval of the governing
23 authority of each county and shall be paid from county funds.

24 (e) Any other provision of this Code section to the contrary notwithstanding, in any county
25 of this state having a population of more than 600,000 according to the United States
26 decennial census of 1990 or any future such census, the governing authority of the county
27 shall appoint the county registrars in lieu of the judge of the superior court. The
28 appointments shall be entered on the minutes of the governing authority. The governing
29 authority shall designate one of the registrars as chief registrar, who shall serve as such
30 during such registrar's term of office. Such designation shall likewise be entered on the
31 minutes of the governing authority. It shall be the duty of the governing authority to certify
32 the appointments and designation to the Secretary of State within 30 days after such
33 appointments and designation. In certifying such names to the Secretary of State, the
34 governing authority shall also list the addresses of the registrars. Such registrars shall serve
35 at the pleasure of the governing authority of the county, and the compensation of the
36 registrars shall be fixed by the governing authority of the county. Any registrar shall have
37 the right to resign at any time by submitting a resignation to the governing authority. In the

1 event of the death, resignation, or removal of any registrar, such registrar's duties and
2 authority as such shall terminate instantly. Successors shall be appointed by the governing
3 authority. Each appointment or change in designation shall be entered on the minutes of
4 the governing authority and certified as provided in this Code section. The first
5 appointments in any such county under this article shall be made in the year 1965, and the
6 persons appointed shall assume office July 1, 1965. The governing authorities of such
7 counties may furnish such employees and facilities as they deem necessary for the
8 operation of the office and affairs of the registrars.

9 (f) The board of registrars of each county shall prepare annually a budget estimate in
10 which it shall set forth an itemized list of its expenditures for the preceding two years and
11 an itemized estimate of the amount of money necessary to be appropriated for the ensuing
12 year and shall submit the same at the time and in the manner and form other county budget
13 estimates are required to be filed.

14 21-2-213.

15 (a) The board of registrars in each county may appoint deputy registrars to aid them in the
16 discharge of their duties. The number of deputy registrars appointed to serve shall be
17 determined by the board of registrars. Such deputy registrars shall serve without
18 compensation unless the governing authority of the county, by resolution, authorizes
19 compensation. In appointing deputy registrars, the registrars shall select persons who are
20 reasonably representative of a cross section of significantly identifiable groups of the
21 communities or areas where they are to serve.

22 (b) The board of registrars in each county may hire clerical help to assist them in their
23 duties if the compensation required therefor has been first approved by the governing
24 authority of the county. Such additional clerks shall be eligible to be appointed as deputy
25 registrars for the purpose of registering voters and performing other duties as may be
26 required, but it shall not be necessary for such clerks to be electors of the county in which
27 employed.

28 (c) In every county wherein the registrars do not maintain an office which is open and
29 staffed during regular business hours, the registrars shall designate and appoint as chief
30 deputy registrar a full-time county officer or employee for the purpose of registering
31 eligible electors and performing other duties as may be required by the board of registrars.
32 The governing authority of the county shall provide for the compensation of the chief
33 deputy registrar in an amount not less than \$259.88 per month. The name, business address,
34 telephone number, and any other pertinent information relative to the chief deputy registrar
35 shall be forwarded by the registrars to the Secretary of State's office, where such
36 information shall be maintained on file.

21-2-213.1

In addition to any salary, fees, or expenses now or hereafter provided by law, the governing authority of each county is authorized to provide as contingent expenses for the operation of the office of the board of registrars, and payable from county funds, a monthly expense allowance for each registrar of not less than the amount fixed in the following schedule:

<u>Population</u>	<u>Minimum Monthly Expenses</u>
0 — 11,889	\$ 100.00
11,890 — 74,999	200.00
75,000 — 249,999	300.00
250,000 — 499,999	400.00
500,000 or more	500.00

21-2-214.

(a) Members of the board of registrars shall be electors of the state and county in which they serve, and any deputy registrars shall be electors of the state. All registrars shall be able to read, write, and speak the English language. Municipal registrars shall be registered Georgia voters and shall be able to read, write, and speak the English language. Registrars and deputy registrars shall have never been convicted of a felony or of any crime involving fraud or moral turpitude, and the appointing authority shall be authorized to investigate the applicant's criminal history before making such appointment.

(b) The office of a member of a county or municipal board of registrars, a deputy registrar, member of a county or municipal board of elections or county or municipal board of elections and registration, or a member of a joint county-municipal board of elections or joint county-municipal board of elections and registration shall be vacated immediately upon such officer's qualifying for any ~~nomination or~~ office to be voted for at a primary or election or qualifying for any ~~nomination or~~ office or qualifying to have such officer's name placed on any primary or election ballot pursuant to ~~Code Sections 21-2-132 and 21-2-153 or giving notice of such officer's intention of write-in candidacy~~ Code Section 21-2-153; provided, however, that this Code section shall not apply to a chief deputy registrar who is also an elected public officer and who seeks to qualify for reelection to the public office such chief deputy registrar is presently holding. Nothing contained in this Code section shall cause the office of a member of a county or municipal board of registrars, deputy registrar, member of a county or municipal board of elections or county or municipal board of elections and registration, or a member of a joint county-municipal board of elections or joint county-municipal board of elections and registration to be

1 vacated upon qualifying for or having such officer's name placed on the ballot or holding
2 office in a political party or body or serving as a presidential elector.

3 (c) No member of a county or municipal board of registrars, deputy registrar, member of
4 a county or municipal board of elections or county or municipal board of elections and
5 registration, or a member of a joint county-municipal board of elections or joint
6 county-municipal board of elections and registration, while conducting the duties of such
7 person's office, shall engage in any political activity on behalf of a candidate, political
8 party or body, or question, including, but not limited to, distributing campaign literature,
9 engaging in any communication that advocates or criticizes a particular candidate,
10 officeholder, or political party or body, and wearing badges, buttons, or clothing with
11 partisan messages.

12 (d) Before entering upon the duties of office, each registrar and deputy registrar shall take
13 the following oath before some officer authorized to administer oaths under the laws of this
14 state:

15 'I do solemnly swear that I will faithfully and impartially discharge, to the best of my
16 ability, the duties imposed upon me by law as (deputy) registrar.'

17 (e) Registrars, deputy registrars, election superintendents, and poll officers shall be
18 privileged from arrest upon days of primaries and elections, except for fraudulent
19 misconduct of duty, felony, larceny, or breach of the peace.

20 (f) The registrars shall conduct their duties in public and all hearings on the qualifications
21 of electors shall be conducted in public.

22 21-2-215.

23 (a) For the purpose of taking and processing applications for registration and for the
24 purpose of registering electors, such number of registrars or deputy registrars as shall be
25 designated by the chief registrar shall be stationed in the main office of the board of
26 registrars.

27 (b) In those counties in which the registrars have a main office separate from other county
28 offices, the main office shall be in the courthouse or other public building at the county site.
29 In those counties in which the registrars do not have an office separate from other county
30 offices, the office of the chief deputy registrar or other office designated by the board of
31 registrars which is accessible at all times during normal business hours shall be deemed to
32 be the main office of the board of registrars.

33 (c) The main office of the board of registrars in each county shall remain open for business
34 during regular office hours on each business day, except Saturday. The main office, or such
35 other offices, shall be open at such designated times other than the normal business hours

1 as shall reasonably be necessary to facilitate registration and at such other hours as will suit
2 the convenience of the public.

3 (d) The board of registrars may designate additional registration places throughout the
4 county on a temporary or permanent basis. These additional offices for registration will
5 have fixed hours of operation. All voter registration places shall be places open to the
6 general public and frequented by the general public. Such places for temporary or
7 permanent voter registration may include, but shall not be limited to, any of the following:
8 churches, synagogues, governmentally funded and managed public housing facilities,
9 public social agencies, public child care centers, public recreation centers, public buildings
10 and shopping centers, multifamily apartment complexes, child care centers, and educational
11 facilities, provided that such places are in fact open to and frequented by the general public.

12 (e) Additional registration places and the hours of operation shall be advertised in a
13 newspaper of general circulation in the county or in the form of a public service
14 announcement on radio or television one or more times at least three days prior to the first
15 day for registration.

16 (f) The State Election Board shall adopt rules and regulations setting forth criteria
17 governing the selection of voter registration places in conformity with the provisions of
18 subsection (d) of this Code section. Boards of registrars shall not adopt rules nor utilize
19 procedures inconsistent with such rules and regulations adopted by the State Election
20 Board; provided, however, that nothing contained in this subsection shall supersede the
21 ultimate authority of local boards in selecting additional voter registration sites.

22 (g) Each principal or assistant principal of every public or private high school, the
23 president of every public or private college or university, the president of each state
24 supported technical institute in this state, and the designee of such principal, assistant
25 principal, college or university president, or state supported technical institute president
26 shall be a deputy registrar of the county in which the school, college, university, or institute
27 is located for the purpose of receiving voter registration applications from those qualified
28 applicants who are enrolled students within the principal's school or the president's
29 college, university, or institute or who are employed by the private high school, the school
30 system, the college or university, or the state supported technical institute, notwithstanding
31 the fact that such students or employees are not residents of the county in which the school,
32 college, university, or institute is located. Such principals, assistant principals, presidents,
33 and their designees shall inform their students and employees of the availability of such
34 voter registration and shall provide reasonable and convenient procedures to enable such
35 persons who are qualified applicants to register. The principal of each public or private
36 high school, the president of each public or private college or university, and the president
37 of each state supported technical institute are authorized to invite other deputy registrars

1 to the school, college, university, or institute for the purpose of conducting voter
2 registration. All such deputy registrars authorized by this subsection shall receive annual
3 training by the board of registrars of the county in which such deputy registrar shall work.

4 (h) The completed registration cards in the custody of the board of registrars and the other
5 papers of the board of registrars shall be secured and maintained in the main office of the
6 board of registrars, with the exception that completed registration cards may be retained
7 temporarily at permanent additional voter registration places established under this Code
8 section but shall be transmitted to the main office as expeditiously as possible by a registrar
9 or deputy registrar or by United States mail. In no event shall the completed registration
10 cards be temporarily retained beyond the end of the next business day. However, in
11 counties in which a computer system for the electronic imaging of the entire voter
12 registration card or the signature of the voter is operational and permits the registrars to
13 view the signature of the voter electronically, the completed registration cards may be
14 stored in a secure area outside of the main office of the board of registrars, provided that
15 such cards may be retrieved within a reasonable time in the event that the actual card is
16 needed. The electronic image of the voter's signature may be used by the registrars in the
17 same manner as the original signature on the voter registration card to verify absentee
18 ballot applications, absentee ballots, petitions, and other documents which require the
19 registrars to compare the signature of the voter on the document to the signature on the
20 voter's registration card.

21 (i) The board of registrars shall enter into the state-wide voter registration system credit
22 for voting by qualified electors to the Secretary of State within 60 days of a primary or
23 election for the purpose of maintaining the list of electors and voter history.

24 (j) At such time as the Secretary of State certifies that a system for the digitization of all
25 or a portion of the completed registration cards is operational, the board of registrars shall
26 expeditiously transmit the registration card for each elector whose registration has been
27 approved to the Secretary of State. The Secretary of State shall retain such cards after
28 processing for the period of time set forth in this article.

29 21-2-216.

30 (a) No person shall vote in any primary or election held in this state unless such person
31 shall be:

32 (1) Registered as an elector in the manner prescribed by law;

33 (2) A citizen of this state and of the United States;

34 (3) At least 18 years of age;

35 (4) A resident of this state and of the county or municipality in which he or she seeks to
36 vote; and

1 (5) Possessed of all other qualifications prescribed by law.

2 (b) In addition to the qualifications in subsection (a) of this Code section, no person who
3 has been convicted of a felony involving moral turpitude may register, remain registered,
4 or vote except upon completion of the sentence and no person who has been judicially
5 determined to be mentally incompetent may register, remain registered, or vote unless the
6 disability has been removed.

7 (c) Any person who possesses the qualifications of an elector except that concerning age
8 shall be permitted to register to vote if such person will acquire such qualification within
9 six months after the day of registration; provided, however, that such person shall not be
10 permitted to vote in a primary or election until the acquisition of all specified
11 qualifications.

12 (d) Notwithstanding any other provision of this article, any person who was qualified and
13 registered to vote on June 24, 1964, shall not be required to reregister under the terms of
14 this article unless such person shall have become or becomes disqualified to vote by reason
15 of having been purged from the list of electors or for any other reason whatsoever, in which
16 event such person shall, in order to become registered to vote, reregister under the terms
17 of this article.

18 (e) If any citizen of this state begins residence in another state after the thirtieth day next
19 preceding any election for President and Vice President and, for that reason, does not
20 satisfy the registration requirements of that state, such citizen shall be allowed to vote for
21 presidential and vice presidential electors, in that election, in person in this state if such
22 citizen satisfied, as of the date of such citizen's change of residence, the requirements to
23 vote in this state, or by absentee ballot in this state if such citizen satisfies, but for such
24 citizen's nonresident status and the reason for such citizen's absence, the requirements for
25 absentee voting in this state.

26 (f) No person shall remain an elector longer than such person shall retain the qualifications
27 under which such person registered.

28 21-2-217.

29 (a) In determining the residence of a person desiring to register to vote or to qualify to run
30 for elective office, the following rules shall be followed so far as they are applicable:

31 (1) The residence of any person shall be held to be in that place in which such person's
32 habitation is fixed, without any present intention of removing therefrom;

33 (2) A person shall not be considered to have lost such person's residence who leaves
34 such person's home and goes into another state or county or municipality in this state, for
35 temporary purposes only, with the intention of returning, unless such person shall register

1 to vote or perform other acts indicating a desire to change such person's citizenship and
2 residence;

3 (3) A person shall not be considered to have gained a residence in any county or
4 municipality of this state into which such person has come for temporary purposes only
5 without the intention of making such county or municipality such person's permanent
6 place of abode;

7 (4) If a person removes to another state with the intention of making it such person's
8 residence, such person shall be considered to have lost such person's residence in this
9 state;

10 (4.1) If a person removes to another county or municipality in this state with the intention
11 of making it such person's residence, such person shall be considered to have lost such
12 person's residence in the former county or municipality in this state;

13 (5) If a person removes to another state with the intention of remaining there an
14 indefinite time and making such state such person's place of residence, such person shall
15 be considered to have lost such person's residence in this state, notwithstanding that such
16 person may intend to return at some indefinite future period;

17 (6) If a person removes to another county or municipality within this state with the
18 intention of remaining there an indefinite time and making such other county or
19 municipality such person's place of residence, such person shall be considered to have
20 lost such person's residence in the former county or municipality, notwithstanding that
21 such person may intend to return at some indefinite future period;

22 (7) The residence for voting purposes of a person shall not be required to be the same as
23 the residence for voting purposes of his or her spouse;

24 (8) No person shall be deemed to have gained or lost a residence by reason of such
25 person's presence or absence while enrolled as a student at any college, university, or
26 other institution of learning in this state;

27 (9) The mere intention to acquire a new residence, without the fact of removal, shall
28 avail nothing; neither shall the fact of removal without the intention;

29 (10) No member of the armed forces of the United States shall be deemed to have
30 acquired a residence in this state by reason of being stationed on duty in this state;

31 (11) If a person removes to the District of Columbia or other federal territory, another
32 state, or foreign country to engage in government service, such person shall not be
33 considered to have lost such person's residence in this state during the period of such
34 service; and the place where the person resided at the time of such person's removal shall
35 be considered and held to be such person's place of residence;

1 (12) If a person is adjudged mentally ill and is committed to an institution for the
2 mentally ill, such person shall not be considered to have gained a residence in the county
3 in which the institution to which such person is committed is located;

4 (13) If a person goes into another state and while there exercises the right of a citizen by
5 voting, such person shall be considered to have lost such person's residence in this state;

6 (14) The specific address in the county or municipality in which a person has declared
7 a homestead exemption, if a homestead exemption has been claimed, shall be deemed the
8 person's residence address; and

9 (15) For voter registration purposes, the board of registrars and, for candidacy residency
10 purposes, the Secretary of State, election superintendent, or hearing officer may consider
11 evidence of where the person receives significant mail such as personal bills and any
12 other evidence that indicates where the person resides.

13 (b) In determining a voter's qualification to register and vote, the registrars to whom such
14 application is made shall consider, in addition to the applicant's expressed intent, any
15 relevant circumstances determining the applicant's residence. The registrars taking such
16 registration may consider the applicant's financial independence, business pursuits,
17 employment, income sources, residence for income tax purposes, age, marital status,
18 residence of parents, spouse, and children, if any, leaseholds, sites of personal and real
19 property owned by the applicant, motor vehicle and other personal property registration,
20 and other such factors that the registrars may reasonably deem necessary to determine the
21 qualification of an applicant to vote in a primary or election. The decision of the registrars
22 to whom such application is made shall be presumptive evidence of a person's residence
23 for voting purposes.

24 21-2-218.

25 (a) Any person, who is registered to vote in another state and who moves such person's
26 residence from that state to this state, shall, at the time of making application to register to
27 vote in this state, provide such information as specified by the Secretary of State in order
28 to notify such person's former voting jurisdiction of the person's application to register to
29 vote in this state and to cancel such person's registration in the former place of residence.

30 (b) Any person, who is registered to vote in another county or municipality in this state and
31 who moves such person's residence from that county or municipality to another county or
32 municipality in this state, shall, at the time of making application to register to vote in that
33 county or municipality, provide such information as specified by the Secretary of State in
34 order to notify such person's former voting jurisdiction of the person's application to
35 register to vote in the new place of residence and to cancel such person's registration in the
36 former place of residence.

1 (c) In the event that an elector moves to a residence within the county or municipality and
2 has a different address from the address contained on the person's registration card, it shall
3 be the duty of such elector to notify the board of registrars of such fact by the fifth Monday
4 prior to the primary or election in which such elector wishes to vote by submitting the
5 change of address in writing. The board of registrars shall then correct the elector's record
6 to reflect the change of address and place the elector in the proper precinct and voting
7 districts. The board of registrars may accept a properly submitted application for an
8 absentee ballot for this purpose for electors who move to an address within the county or
9 municipality which is different from the address contained on the person's registration
10 card.

11 (d) In the event that an elector moves to a residence within the county or municipality but
12 into a different precinct or who moves to a residence in the same precinct but at a different
13 address and fails to notify the board of registrars of such fact by the fifth Monday prior to
14 an election or primary such elector shall vote in the precinct of such elector's former
15 residence for such election or primary ~~and for any runoffs resulting therefrom~~. The
16 superintendent of an election shall make available at each polling place forms furnished by
17 the Secretary of State which shall be completed by each such elector to reflect such
18 elector's present legal residence. Such forms may also be used to notify the board of
19 registrars of a change in an elector's name. The board of registrars shall thereafter place the
20 elector in the proper precinct and voting districts and correct the list of electors
21 accordingly. If the elector is placed in a precinct other than the one in which such elector
22 has previously been voting, such elector shall be notified of the new polling place by
23 first-class mail.

24 (e) Any provision of this chapter to the contrary notwithstanding, an elector who moves
25 from one county or municipality to another after the fifth Monday prior to a primary or
26 election may vote in the county or municipality or precinct in which such elector is
27 registered to vote.

28 (f) No person shall vote in any county or municipality other than the county or
29 municipality of such person's residence except as provided in subsection (e) of this Code
30 section.

31 (g) In the event that the registration records incorrectly indicate that an elector has moved
32 from an address within a precinct, the elector may vote in the precinct upon affirming in
33 writing on a form prescribed by the Secretary of State that the elector still resides in the
34 precinct at the address previously provided to the board of registrars. The registrars shall
35 correct the elector's registration record to reflect the correct address.

1 (h) If a voter registration application is completed at a polling place for the purpose of
2 recording a change of address and the new address is outside the county, then the registrar
3 shall forward the application to the registrar in the new county of residence.

4 21-2-219.

5 (a) The registration cards for use by persons in making application to register to vote shall
6 be in a form as specified by the Secretary of State, which shall include printed forms, forms
7 made available through electronic means, or otherwise. Except as provided in subsection
8 (b) of this Code section, only registration cards issued or authorized for use by the
9 Secretary of State or the national voter registration card promulgated by the Federal
10 Election Commission under the provisions of the National Voter Registration Act of 1993,
11 42 U.S.C. Section 1973gg-7, shall be accepted for purposes of voter registration.

12 (b) A person who is a legal resident of this state and a citizen of the United States; who is
13 a member of the armed forces of the United States or the merchant marine, is a spouse or
14 dependent of a member of the armed forces or the merchant marine residing with or
15 accompanying said member, or is temporarily or permanently residing overseas; and who
16 will be absent from such person's county of residence until after the time for registering
17 for an ensuing primary or election may make proper application for voter registration on
18 the official post card provided for by the Uniformed and Overseas Citizens Absentee
19 Voting Act, 42 U.S.C. Section 1973ff, et seq., as amended.

20 (c) Permanent overseas citizens shall only be authorized to vote for presidential electors
21 and United States senator or representative in Congress. Permanent overseas citizens shall
22 be deemed to be residents of the precinct in which the county courthouse is located.

23 (d) A properly executed registration card submitted under the provisions of subsection (b)
24 of this Code section shall be considered to be an application for an absentee ballot under
25 Code Section 21-2-381, or a special absentee ballot under Code Section 21-2-381.1, as
26 appropriate. Such card, subject to the limitations of subsection (c) of this Code section,
27 shall constitute a request for an absentee ballot for the period beginning upon the receipt
28 of such card and extending through the second regularly scheduled general election in
29 which federal candidates are on the ballot for all elections for federal offices held during
30 such period.

31 (e) A person who is a United States citizen, permanently residing overseas, who has never
32 lived in the United States, may register and vote in this state in the county of residence of
33 either of such person's parents under the limitations of subsection (c) of this Code section
34 if either of the person's parents is registered to vote in this state. Such person shall be
35 deemed to reside at the same location as the parent for voting purposes.

(f) The office of the Secretary of State is designated as the office, under the federal Help America Vote Act, to be responsible for providing information on registration and absentee ballot procedures for use by absent uniformed services and overseas voters, including the use of the federal write-in absentee ballot.

(g) The registrars of each county shall report to the Secretary of State within 60 days after a general election in which federal candidates were on the ballot the combined number of absentee ballots transmitted to absent uniformed services and overseas voters in such election and the combined number of such ballots that were returned by such voters and cast in such election.

(h) The Secretary of State shall within 90 days after a general election in which federal candidates were on the ballot report to the federal Election Assistance Commission, on such form as may be prescribed by such commission, the combined number of absentee ballots transmitted to absent uniformed services and overseas voters in such election and the combined number of such ballots that were returned by such voters and cast in such election.

21-2-220.

(a) Any person desiring to register as an elector shall apply to do so by making application to a registrar or deputy registrar of such person's county of residence in person, by submission of the federal post card application form as authorized under Code Section 21-2-219, by making application through the Department of Motor Vehicle Safety as provided in Code Section 21-2-221, by making application through the Department of Natural Resources as provided in Code Section 21-2-221.1, by making application through designated offices as provided in Code Section 21-2-222, or by making application by mail as provided in Code Section 21-2-223.

(b) Notwithstanding any other provision of this title, whenever a person makes application to register in person or through the means specified in this Code section, the person authorized to offer registration shall inquire as to whether the individual seeking registration is a citizen of the United States, and the person offering registration shall not be required to offer registration to an individual who answers such inquiry with a negative response.

(c) Except as otherwise provided in this subsection, electors who register to vote for the first time in this state by mail must present current and valid identification either when registering to vote by mail or when voting for the first time after registering to vote by mail. The current and valid identification shall be one or more of those forms of identification provided in Code Section 21-2-417 or a legible copy thereof. The registrars shall make

1 copies of any original forms of identification submitted by applicants and return the
2 originals to the applicants. The requirement to submit identification shall not apply to:

3 (1) Persons who submit identifying information with their applications that the registrars
4 are able to match to information contained on a state database available to such registrars
5 containing the same number, name, and date of birth as contained in the application;

6 (2) Persons who are entitled to vote by absentee ballot under the federal Uniformed and
7 Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff, et seq.; or

8 (3) Persons who are entitled to vote otherwise than in person under any other federal law.

9 (d) If an applicant fails to provide all of the required information on the application for
10 voter registration with the exception of current and valid identification, the board of
11 registrars shall notify the registrant in writing of the missing information. The board of
12 registrars shall not determine the eligibility of the applicant until and unless all required
13 information is supplied by the applicant. If the initial application is received prior to the
14 close of voter registration prior to an election, if the applicant supplies the necessary
15 information on or prior to the date of the election, and if the applicant is found eligible to
16 vote, the applicant shall be added to the list of electors and shall be permitted to vote in the
17 election ~~and any run-off elections resulting therefrom~~ and subsequent elections; provided,
18 however, that voters who registered to vote for the first time in this state by mail must
19 supply current and valid identification when voting for the first time as required in
20 subsection (c) of this Code section. In the event the elector does not respond to the request
21 for the missing information within 30 days, the application shall be rejected.

22 (e) If an applicant submits false information, the board of registrars shall reject the
23 application and shall refer the application to the district attorney of the county for criminal
24 prosecution. If the false information is not discovered until after the applicant's application
25 has been approved and the applicant's name added to the list of electors, the giving of such
26 false information shall be cause to challenge the applicant's right to remain on the list of
27 electors, which, if sustained, shall result in such applicant's name being removed from the
28 list and the application being submitted to the district attorney of the county for criminal
29 prosecution.

30 (f) A person registering to vote who is disabled or illiterate may request assistance from
31 any other person in completing the form for registration, but the person offering assistance
32 shall sign the voter registration form in the space provided to identify the person offering
33 assistance.

34 (g) The registrars shall note on their records and the electors list any elector who registers
35 by mail for the first time in this state and does not provide the identification required by
36 subsection (c) of this Code section.

1 21-2-221.

2 (a) Each application to obtain, renew, or change the name or address on a driver's license
3 or identification card issued by the Department of Motor Vehicle Safety pursuant to
4 Chapter 5 of Title 40 made by an applicant who is within six months of such applicant's
5 eighteenth birthday or older shall also serve as an application for voter registration unless
6 the applicant declines to register to vote through specific declination or by failing to sign
7 the voter registration application.

8 (b) The commissioner of motor vehicle safety and the Secretary of State shall agree upon
9 and design such procedures and forms as will be necessary to comply with this Code
10 section.

11 (c) The forms designed by the commissioner of motor vehicle safety and the Secretary of
12 State:

13 (1) Shall not require the applicant to duplicate any information required in the driver's
14 license portion of the application with the exception of a second signature;

15 (2) Shall include such information as required on other voter registration cards issued by
16 the Secretary of State;

17 (3) Shall contain a statement that states each eligibility requirement contained in Code
18 Section 21-2-216, that contains an attestation that the applicant meets each such
19 requirement, and that requires the signature of the applicant under penalty of perjury; and

20 (4) Shall include, in print that is identical to that used in the attestation, the penalties
21 provided by law for submission of a false voter registration application; and a statement
22 that, if an applicant declines to register to vote, the fact that the applicant has declined to
23 register will remain confidential and will be used only for voter registration purposes.

24 (d) Any change of address submitted to the Department of Motor Vehicle Safety for the
25 purpose of changing the information contained on a driver's license or identification card
26 issued by the Department of Motor Vehicle Safety shall serve as a notification of change
27 of address for voter registration unless the registrant states that at the time of submitting
28 the change of address that the change of address is not for voter registration purposes.

29 (e) The Department of Motor Vehicle Safety shall transmit the completed applications for
30 voter registration to the Secretary of State at the conclusion of each business day. The
31 Secretary of State shall forward the applications to the appropriate county board of
32 registrars to determine the eligibility of the applicant and, if found eligible, to add the
33 applicant's name to the list of electors and to place the applicant in the correct precinct and
34 voting districts.

35 (f) The Department of Motor Vehicle Safety shall maintain such statistical records on the
36 number of registrations and declinations as requested by the Secretary of State.

(g) No information relating to the failure of an applicant for a driver's license or identification card issued by the Department of Motor Vehicle Safety to sign a voter registration application may be used for any purpose other than voter registration.

(h) The Secretary of State and the commissioner of motor vehicle safety shall have the authority to promulgate rules and regulations to provide for the transmission of voter registration applications and signatures electronically. Such electronically transmitted signatures shall be valid as signatures on the voter registration application and shall be treated in all respects as a manually written original signature and shall be recognized as such in any matter concerning the voter registration application.

21-2-221.1.

(a) Each application to obtain a resident hunting, fishing, or trapping license issued by the Department of Natural Resources pursuant to Chapter 2 of Title 27 and made by an applicant who is within six months of such applicant's eighteenth birthday or older shall also serve as an application for voter registration unless the applicant declines to register to vote through specific declination or by failing to sign the voter registration application.

(b) The Board of Natural Resources and the Secretary of State shall agree upon and design such procedures and forms as will be necessary to comply with this Code section, including without limitation procedures applicable to processing of applications received by persons approved as license agents for the Department of Natural Resources pursuant to Code Section 27-2-2.

(c) The forms designed by the Board of Natural Resources and the Secretary of State:

(1) Shall not require the applicant to duplicate any information required in the resident hunting, fishing, or trapping license portion of the application with the exception of a second signature;

(2) Shall include such information as required on other voter registration cards issued by the Secretary of State;

(3) Shall contain a statement that states each eligibility requirement contained in Code Section 21-2-216, that contains an attestation that the applicant meets each such requirement, and that requires the signature of the applicant under penalty of false swearing; and

(4) Shall include, in print that is identical to that used in the attestation, the penalties provided by law for submission of a false voter registration application; and a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes.

(d) Any person when acting as a license agent for the Department of Natural Resources shall not:

1 (1) Seek to influence an applicant's political preference;

2 (2) Display on his or her person any such political preference or political party or body
3 allegiance;

4 (3) Make any statement to an applicant or take any action the purpose or effect of which
5 is to discourage the applicant from applying to register to vote; or

6 (4) Make any statement to an applicant or take any action the purpose or effect of which
7 is to lead the applicant to believe that a decision to apply to register or not to apply to
8 register to vote has any bearing on the availability of services or benefits.

9 (e) License agents for the Department of Natural Resources acting under this Code section
10 shall not be considered to be deputy registrars under this chapter or any rules and
11 regulations promulgated thereunder.

12 (f) The Department of Natural Resources shall transmit the completed applications for
13 voter registration to the Secretary of State at the conclusion of each business day. The
14 Secretary of State shall forward the applications to the appropriate county board of
15 registrars to determine the eligibility of the applicant and, if found eligible, to add the
16 applicant's name to the list of electors and to place the applicant in the correct precinct and
17 voting districts.

18 (g) The Department of Natural Resources shall maintain such statistical records on the
19 number of registrations and declinations as requested by the Secretary of State.

20 (h) Information relating to the failure of an applicant for a resident hunting, fishing, or
21 trapping license issued by the Department of Natural Resources to sign a voter registration
22 application shall not be used for any purpose other than voter registration and shall not be
23 subject to public inspection.

24 (i) The Secretary of State and the Board of Natural Resources shall have the authority to
25 promulgate rules and regulations to provide for the transmission of voter registration
26 applications and signatures electronically. Such electronically transmitted signatures shall
27 be valid as signatures on the voter registration application and shall be treated in all
28 respects as a manually written original signature and shall be recognized as such in any
29 matter concerning the voter registration application.

30 (j) The forms and procedures to implement and administer this Code section shall be
31 designed in a manner such that license agents for the Department of Natural Resources
32 shall not incur any expenses nor be required to make any reports in implementing and
33 administering this Code section in addition to those presently required of such license
34 agents in issuing fishing, hunting, and trapping licenses, other than providing information
35 to the Department of Natural Resources at the time the license application is processed
36 necessary to comply with state and federal voter laws on voter registration.

(k) License agents for the Department of Natural Resources acting under this Code section whose businesses are authorized to sell alcoholic beverages for on-premises consumption may notify the Department of Natural Resources of their desire to opt out of the requirements of this Code section and shall thereafter not be required to comply with this Code section.

21-2-222.

(a) As used in this Code section, the term:

(1) 'Persons with disabilities' means persons who have physical disabilities, including, but not limited to, any physical or neurological impairment which severely restricts a person's mobility or manual dexterity; substantial loss of speech, sight, or hearing; or loss of one or more limbs or use thereof; but such term shall not include nonphysical disabilities, mental or emotional disabilities, or disabilities based upon substance abuse.

(2) 'Public assistance' means the food stamp program; the Medicaid program; the Women, Infants, and Children program; and the Temporary Assistance for Needy Families program.

(3) 'Recruitment office of the armed forces of the United States' includes both regular and reserve forces recruitment offices and national guard recruitment offices.

(b) Each office in this state:

(1) Which provides public assistance;

(2) Which provides state funded programs primarily engaged in providing services to persons with disabilities; and

(3) Which is a recruitment office of the armed forces of the United States located within this state

shall be designated voter registration agencies.

(c) In addition to the offices listed in subsection (b) of this Code section, the Secretary of State shall designate other offices within the state as designated voter registration offices. Such offices may include, but not be limited to:

(1) State or local governmental offices such as public libraries, public schools, offices of county and municipal clerks, and government revenue offices; and

(2) Federal and nongovernmental offices, with the agreement of such offices.

(d) At each designated voter registration agency, the following services shall be made available:

(1) Distribution of the mail voter registration application provided for in Code Section 21-2-223 in accordance with subsection (f) of this Code section;

(2) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance; and

1 (3) Acceptance of completed voter registration application forms for submission to the
2 Secretary of State.

3 (e) If a designated voter registration agency under paragraph (2) of subsection (b) of this
4 Code section provides services to a person with a disability at the person's home, the
5 agency shall provide the services described in subsection (d) of this Code section at such
6 person's home.

7 (f) A designated voter registration agency that provides service or assistance in addition
8 to conducting voter registration shall:

9 (1) Distribute with each application for such service or assistance and with each
10 recertification, renewal, or change of address form relating to such service or assistance,
11 when such application, recertification, renewal, or change of address is made in person,
12 the mail voter registration application form provided for in Code Section 21-2-223 unless
13 the applicant declines in writing to register to vote;

14 (2) Distribute a form provided by the Secretary of State to accompany the voter
15 registration application form which includes:

16 (A) The question 'If you are not registered to vote where you live now, would you like
17 to apply to register to vote here today?';

18 (B) If the agency provides public assistance, the statement 'Applying to register or
19 declining to register to vote will not affect the amount of assistance that you will be
20 provided by this agency.';

21 (C) Boxes for the applicant to check to indicate whether the applicant is presently
22 registered, would like to register, or declines to register to vote with the statement 'IF
23 YOU DO NOT CHECK ANY BOX, YOU WILL BE CONSIDERED TO HAVE
24 DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.' in close proximity to the
25 boxes and in prominent type;

26 (D) The statements 'If you would like help in filling out the voter registration
27 application form, we will help you. The decision whether to seek or accept help is
28 yours. You may fill out the application in private.'; and

29 (E) The statement 'If you believe that someone has interfered with your right to register
30 or to decline to register to vote or your right to privacy in deciding whether to register
31 or in applying to register to vote, you may file a complaint with the Secretary of State
32 at (insert address and telephone number).'; and

33 (3) Provide to each applicant who does not decline to apply to register to vote the same
34 degree of assistance with regard to the completion of the voter registration application
35 form as is provided by the office with regard to the completion of its own forms, unless
36 the applicant refuses such assistance.

(g) If an applicant fails to check any box on the form required by subparagraph (f)(2)(C) of this Code section, the applicant shall be deemed to have declined to apply to register to vote.

(h) No information relating to a declination to apply to register to vote in connection with an application made at an office described in subsection (f) of this Code section may be used for any purpose other than voter registration and shall not be subject to public inspection.

(i) Each office shall transmit the completed voter registration application forms to the Secretary of State at least once per week, except that, during the 15 days leading up to a registration deadline for a primary or election, such applications shall be transmitted to the Secretary of State at the conclusion of each business day. The Secretary of State shall forward the applications to the appropriate county board of registrars to determine the eligibility of the applicant and, if found eligible, to add the applicant's name to the list of electors and to place the applicant in the correct precinct and voting districts.

(j) Each office shall maintain such statistical records on the number of registrations and declinations as requested by the Secretary of State.

(k) Persons providing the services described in subsection (d) of this Code section shall not:

(1) Seek to influence an applicant's political preference;

(2) Display any such political preference or political party or body allegiance;

(3) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from applying to register to vote; or

(4) Make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to apply to register or not to apply to register to vote has any bearing on the availability of services or benefits.

(l) The Secretary of State shall have the authority to promulgate rules and regulations to provide for the transmission of voter registration applications and signatures electronically from public assistance offices, offices which provide state funded programs primarily engaged in providing services to persons with disabilities, and recruitment offices of the armed forces of the United States located within this state. Such electronically transmitted signatures shall be valid as signatures on the voter registration application and shall be treated in all respects as a manually written original signature and shall be recognized as such in any matter concerning the voter registration application.

21-2-223.

(a) The Secretary of State shall design, publish, and distribute voter registration application forms with which a person may apply to register to vote by completing and mailing the

1 form to the Secretary of State. The Secretary of State shall forward the applications to the
2 appropriate county board of registrars to determine the eligibility of the applicant and, if
3 found eligible, to add the applicant's name to the list of electors and to place the applicant
4 in the correct precinct and voting districts.

5 (b) The county boards of registrars shall obtain and maintain a supply of mail voter
6 registration application forms for distribution and for voter registration. In addition, each
7 state, county, and municipal office, except an office which is a designated voter registration
8 office under Code Section 21-2-222, which has regular contact with the public shall obtain
9 a supply of mail voter registration application forms from the Secretary of State and make
10 such applications available for use by citizens to register to vote.

11 (c) The mail voter registration application forms shall be made available through
12 governmental and private entities with particular emphasis on making such forms available
13 for organized voter registration programs.

14 21-2-224.

15 (a) If any person whose name is not on the list of registered electors maintained by the
16 Secretary of State under this article desires to vote at any general primary, general election,
17 or presidential preference primary, such person shall make application as provided in this
18 article by the close of business on the fifth Monday or, if such Monday is a legal holiday,
19 by the close of business on the following business day prior to the date of such general
20 primary, general election, or presidential preference primary.

21 (b) If any person whose name is not on the list of registered electors maintained by the
22 Secretary of State under this article desires to vote at any special primary or special
23 election, such person shall make application as provided in this article no later than the
24 close of business on the fifth day after the date of the call for the special primary or special
25 election, excluding Saturdays, Sundays, and legal holidays of this state; except that:

26 (1) If such special primary or special election is held in conjunction with a general
27 primary, general election, or presidential preference primary, the registration deadline for
28 such special primary or special election shall be the same as the registration deadline for
29 the general primary, general election, or presidential preference primary in conjunction
30 with which the special primary or special election is being conducted; or

31 (2) If such special primary or special election is not held in conjunction with a general
32 primary, general election, or presidential preference primary but is held on one of the
33 dates specified in Code Section 21-2-540 for the conduct of special elections to present
34 a question to the voters or special primaries or elections to fill vacancies in elected county
35 or municipal offices, the registration deadline for such a special primary or election shall
36 be at the close of business on the fifth Monday prior to the date of the special primary or

1 election or, if such Monday is a legal holiday, by the close of business on the following
2 business day.

3 (c) Mail voter registration applications shall be deemed to have been made as of the date
4 of the postmark affixed to such application by the United States Postal Service or, if no
5 such postmark is affixed or if the postmark affixed by the United States Postal Service is
6 illegible or bears no date, such application shall be deemed to have been made timely if
7 received through the United States mail by the Secretary of State no later than the close of
8 business on the fourth Friday prior to a general primary, general election, presidential
9 preference primary, or special primary or special election held in conjunction with a
10 general primary, general election, or presidential preference primary or special primary or
11 special election held on one of the dates specified in Code Section 21-2-540 for the conduct
12 of special elections to present questions to the voters or special primaries or special
13 elections to fill vacancies in elected county or municipal offices or no later than the close
14 of business on the ninth day after the date of the call, excluding Saturdays, Sundays, and
15 legal holidays of this state, for all other special primaries and special elections.

16 (d) Each elector who makes timely application for registration, is found eligible by the
17 board of registrars and placed on the official list of electors, and is not subsequently found
18 to be disqualified to vote shall be entitled to vote in any primary or election; ~~provided,~~
19 ~~however, that an elector, voting in the primary or primaries held by a single party for the~~
20 ~~nomination of candidates to seek public offices to be filled in an election, shall not vote in~~
21 ~~a primary held by any other party for the nomination of candidates to seek public offices~~
22 ~~to be filled in the same such election.~~

23 (e) The county board of registrars shall deliver to the chief registrar of the municipality,
24 upon a basis mutually agreed upon between the county board of registrars and the
25 governing authority of the municipality, a copy of the list of electors for the municipality
26 for the primary or election. Such list shall be delivered at least 14 days prior to such
27 primary or election for the purpose of permitting the chief registrar of the municipality to
28 check the accuracy of the list. The municipal registrar shall, upon receipt of the county
29 registration list, or as soon as practicable thereafter but in no event later than five days prior
30 to such primary or election, review such list and identify in writing to the county board of
31 registrars any names on the electors list of persons who are not qualified to vote at such
32 primary or election stating the reason for disqualification. The county board of registrars
33 shall challenge the persons identified in accordance with Code Section 21-2-228. In
34 addition, the county board of registrars shall provide a list of inactive electors for the
35 municipality. The municipal registrar shall certify such lists and file with the city clerk a
36 copy showing the names of electors entitled to vote at such primary or election.

1 (f) The official list of electors eligible to vote in any primary or election shall be prepared
2 and completed at least five calendar days prior to the date of the primary or election in
3 which the list is to be used.

4 (g) The official list of electors and the official list of inactive electors prepared and
5 distributed to the poll officers of each precinct shall include only the elector's name,
6 address, ZIP Code, date of birth, voter identification number, a designation of whether the
7 elector registered for the first time in this state by mail and is required to comply with Code
8 Sections 21-2-220 and 21-2-417, congressional district, state Senate district, state House
9 district, county commission district, if any, county or independent board of education
10 district, if any, and municipal governing authority district designations, if any, and such
11 other voting districts, if any. The official list of electors and the official list of inactive
12 electors prepared and distributed to the poll officers of each precinct may also include
13 codes designating that an elector has voted by absentee ballot, has been challenged, or has
14 been sent mail by the registrars which has been returned marked undeliverable. No person
15 whose name does not appear on the official list of electors shall vote or be allowed to vote
16 at any election, except as otherwise provided in this article.

17 (h) All persons whose names appear on the list of electors placed in the possession of the
18 managers in each precinct and no others, except as otherwise provided in this article, shall
19 be allowed to deposit their ballots according to law at the precinct in which they are
20 registered.

21 (i) When any portion of a county or municipality is changed from one county or
22 municipality to another, the persons who would have been qualified to vote in the county
23 or municipality from which taken, at the time of any primary or election, shall vote in the
24 county or municipality to which they are removed; and, if required to swear or certify, the
25 oath or certification may be so qualified as to contain this fact. The name of such elector
26 shall be kept and checked as provided in Code Section 21-2-228.

27 21-2-225.

28 (a) Neither the original applications for voter registration nor any copies thereof shall be
29 open for public inspection except upon order of a court of competent jurisdiction.

30 (b) All data collected and maintained on electors whose names appear on the list of
31 electors maintained by the Secretary of State pursuant to this article shall be available for
32 public inspection with the exception of bank statements submitted pursuant to subsection
33 (b) of Code Section 21-2-417 and the social security numbers of the electors and the
34 locations at which the electors applied to register to vote which shall remain confidential
35 and be used only for voter registration purposes; provided, however, that social security
36 numbers of electors may be made available to other state agencies if the agency is

1 authorized to maintain information by social security number and the information is used
2 only to identify the elector on the receiving agency's data base and is not disseminated
3 further and remains confidential.

4 (c) It shall be the duty of the Secretary of State to furnish copies of such data as may be
5 collected and maintained on electors whose names appear on the list of electors maintained
6 by the Secretary of State pursuant to this article, within the limitations provided in this
7 article, on electronic media or computer run list or both. Notwithstanding any other
8 provision of law to the contrary, the Secretary of State shall establish the cost to be charged
9 for such data. The Secretary of State may contract with private vendors to make such data
10 available in accordance with this subsection. Such data may not be used by any person for
11 commercial purposes.

12 21-2-226.

13 (a) It shall be the duty of the county board of registrars to determine the eligibility of each
14 person applying to register to vote in such county.

15 (b) Upon finding an elector eligible to vote in the county, the county board of registrars
16 shall have the duty of determining and placing the elector in the proper congressional
17 district; state Senate district; state House district; county commission district, if any; county
18 or independent board of education district, if any; and municipal governing authority
19 district, if any; such other voting districts, if any; and precinct.

20 (c) It shall be the duty of each incorporated municipality located wholly or partially within
21 the boundaries of a county to provide a detailed map showing the municipal boundaries,
22 municipal precinct boundaries, and voting district boundaries to the county board of
23 registrars no later than January 1, 1995, and within 15 days after the preclearance of any
24 changes in such municipal boundaries, precinct boundaries, or voting district boundaries
25 pursuant to Section 5 of the federal Voting Rights Act of 1965 (42 U.S.C. Section 1973c),
26 as amended. Upon receiving any changes in municipal boundaries, the county board of
27 registrars shall provide to the municipal registrar a list of all voters affected by such
28 changes with the street addresses of such electors for the purpose of verifying the changes
29 with the municipality. Upon receiving the list of electors affected by changes in municipal
30 boundaries, the municipal registrar shall immediately review the information provided by
31 the county registrars and advise the county registrars of any discrepancies.

32 (d) Each person submitting an application for voter registration shall be notified of the
33 disposition of such application. In the event that the person is found ineligible, the person
34 shall be notified of the reasons for ineligibility. Such notices shall be sent to the person in
35 writing by nonforwardable, first-class mail at the mailing address listed on the application.

(e) Each elector found eligible to be registered to vote by the board of registrars shall be issued a card which shall contain the elector's name and address, a block or space for the elector's signature, the date of the elector's registration, the name and location of the elector's polling place or polling places if the county and municipal polling places are not the same, and the designation of the elector's congressional district; state Senate district; state House district; county commission district, if any; county or independent board of education district, if any; and municipal governing authority district, if any, and such other voting districts, if any. On the reverse side of the card, there shall be printed instructions which shall indicate the procedure to be followed in the event of the change of address of the elector. In the event an elector changes residences within the county in which an elector is registered to vote, the elector may change such elector's address by returning the card to the board of registrars of such county indicating the new address. Upon receipt of such card, the board of registrars shall make the necessary changes in the elector's registration records and issue a new card to the elector. In the event that an elector's precinct, polling place, or voting district or districts change, a new card shall be issued to the elector reflecting such changes. When the boundaries of a precinct are changed, all affected electors shall be sent a new card prior to the next primary or election. The form of such cards shall be determined by the Secretary of State. The issuance of such cards shall be sufficient as a notification of the disposition of an application for voter registration under this Code section, provided that such cards are sent by nonforwardable, first-class mail.

(f) In the event that the registrars are required to issue voters new cards under subsection (e) of this Code section due to changes in districts or precincts as a result of reapportionment or court order, the registrars may apply to the Secretary of State prior to June 30 of each year for reimbursement of the costs of postage with respect to mailing such cards during the 12 month period ending on June 30 of that year. The Secretary of State shall receive all such applications and shall, no later than June 30 of each year, reimburse the counties for such costs from funds specifically appropriated for that purpose. In the event that the total amount of the requests for reimbursement exceeds the funds appropriated for reimbursement, the Secretary of State shall reimburse the counties on a pro rata basis. In the event that no funds are specifically appropriated for reimbursement, no such reimbursement shall be made.

(g) In the event that the registrars of a county, serving as registrars for a municipality, are required to issue voters in a municipality new cards under subsection (e) of this Code section due to changes in municipal districts or precincts, the municipality shall reimburse the county registrars for the cost of postage in mailing such cards to the voters.

1 21-2-227.

2 Whenever the authority of a governmental subdivision within a county who is charged with
3 the responsibility of holding elections shall request the board of registrars of the county to
4 furnish a list of electors qualified to vote in the election involved and residing within the
5 limits of such subdivision, it shall be the duty of the board of registrars to prepare promptly
6 and furnish such a list at no charge.

7 21-2-228.

8 (a) The board of registrars of each county or municipality shall have the right and shall be
9 charged with the duty of examining from time to time the qualifications of each elector of
10 the county or municipality whose name is entered upon the list of electors and shall not be
11 limited or estopped by any action previously taken.

12 (b) For the purpose of determining the qualification or disqualification of applicants and
13 electors, the board of registrars may, upon at least three days' notice, require the production
14 of books, papers, and other material and, upon like notice, may subpoena witnesses. The
15 board may swear any witness appearing before it. If the registrars shall differ among
16 themselves upon any question coming before them, the concurrent votes of a majority of
17 the registrars shall control.

18 (c) The sheriff, any deputy sheriff, or any lawful constable of such county or peace officer
19 of such municipality shall serve all summonses, notices, and subpoenas issued by such
20 registrars and placed in the hands of any such official. Such official shall receive such
21 compensation as is provided for like services in the superior court. In case of the refusal
22 of any person subpoenaed to attend or testify, such fact shall be reported immediately by
23 the registrars to the appropriate superior court, or to a judge thereof, and such court or
24 judge shall order such witness to attend and testify; and, on failure or refusal to obey such
25 order, such witness shall be dealt with as for contempt. Any witness so subpoenaed, and
26 after attending, shall be allowed and paid the same mileage and fee as allowed and paid
27 witnesses in civil actions in the superior court.

28 (d) If the right of any person to remain on the list of electors is questioned by the registrars,
29 they shall give such person at least three days' written notice of the date, time, and place
30 of a hearing to determine such right which shall be served upon such person either by
31 first-class mail addressed to the mailing address shown on the person's voter registration
32 records or in the manner provided in subsection (c) of this Code section for other notices.

33 (e) If, after conducting a hearing, the registrars find that the elector is not qualified to
34 remain on the list of electors, the registrars shall remove the name of such elector from the
35 list of electors. The elector shall be notified of such decision in writing either by first-class

1 mail addressed to the mailing address shown on the person's voter registration records or
2 in the manner provided in subsection (c) of this Code section for other notices.

3 (f) An elector whose name is removed from the list of electors in accordance with this
4 Code section shall have a right of appeal of such decision to the superior court of the
5 county by filing a petition with the clerk of the superior court within ten days after the date
6 of the decision of the registrars. A copy of such petition shall be served upon the registrars.
7 Unless and until the decision of the registrars is reversed by the court, the decision of the
8 registrars shall stand.

9 21-2-229.

10 (a) Any elector of a county or municipality may challenge the qualifications of any person
11 applying to register to vote in the county or municipality and may challenge the
12 qualifications of any elector of the county or municipality whose name appears on the list
13 of electors. Such challenges shall be in writing and shall specify distinctly the grounds of
14 the challenge.

15 (b) Upon such challenge being filed with the board of registrars, the registrars shall set a
16 hearing on such challenge. Notice of the date, time, and place of the hearing shall be served
17 upon the person whose qualifications are being challenged along with a copy of such
18 challenge and upon the elector making the challenge. The person being challenged shall
19 receive at least three days' notice of the date, time, and place of the hearing. Such notice
20 shall be served either by first-class mail addressed to the mailing address shown on the
21 person's voter registration records or in the manner provided in subsection (c) of Code
22 Section 21-2-228.

23 (c) The burden shall be on the elector making the challenge to prove that the person being
24 challenged is not qualified to remain on the list of electors. The board of registrars shall
25 have the authority to issue subpoenas for the attendance of witnesses and the production
26 of books, papers, and other material upon application by the person whose qualifications
27 are being challenged or the elector making the challenge. The party requesting such
28 subpoenas shall be responsible to serve such subpoenas and, if necessary, to enforce the
29 subpoenas by application to the superior court. Any witness so subpoenaed, and after
30 attending, shall be allowed and paid the same mileage and fee as allowed and paid
31 witnesses in civil actions in the superior court.

32 (d) After the hearing provided for in this Code section, the registrars shall determine said
33 challenge and shall notify the parties of their decision. If the registrars uphold the
34 challenge, the person's application for registration shall be rejected or the person's name
35 removed from the list of electors, as appropriate. The elector shall be notified of such
36 decision in writing either by first-class mail addressed to the mailing address shown on the

person's voter registration records or in the manner provided in subsection (c) of Code Section 21-2-228 for other notices.

(e) Either party shall have a right of appeal from the decision of the registrars to the superior court by filing a petition with the clerk of the superior court within ten days after the date of the decision of the registrars. A copy of such petition shall be served upon the other parties and the registrars. Unless and until the decision of the registrars is reversed by the court, the decision of the registrars shall stand.

21-2-230.

(a) Any elector of the county or municipality may challenge the right of any other elector of the county or municipality, whose name appears on the list of electors, to vote in an election. Such challenge shall be in writing and specify distinctly the grounds of such challenge. Such challenge may be made at any time prior to the elector whose right to vote is being challenged voting at the elector's polling place or, if such elector cast an absentee ballot, prior to 5:00 p.m. on the day before the election.

(b) Upon the filing of such challenge, the board of registrars shall immediately consider such challenge and determine whether probable cause exists to sustain such challenge. If the registrars do not find probable cause, the challenge shall be denied. If the registrars find probable cause, the registrars shall notify the poll officers of the challenged elector's precinct or, if the challenged elector voted by absentee ballot, notify the poll officers at the absentee ballot precinct and, if practical, notify the challenged elector and afford such elector an opportunity to answer.

(c) If the challenged elector appears at the polling place to vote, such elector shall be given the opportunity to appear before the registrars and answer the grounds of the challenge.

(d) If the challenged elector does not cast an absentee ballot and does not appear at the polling place to vote and if the challenge is based on grounds other than the qualifications of the elector to remain on the list of electors, no further action by the registrars shall be required.

(e) If the challenged elector cast an absentee ballot and it is not practical to conduct a hearing prior to the close of the polls and the challenge is based upon grounds other than the qualifications of the elector to remain on the list of electors, the absentee ballot shall be treated as a challenged ballot pursuant to subsection (e) of Code Section 21-2-386. No further action by the registrars shall be required.

(f) If the challenged elector does not cast an absentee ballot and does not appear at the polling place to vote and the challenge is based on the grounds that the elector is not qualified to remain on the list of electors, the board of registrars shall proceed to hear the challenge pursuant to Code Section 21-2-229.

(g) If the challenged elector cast an absentee ballot and the challenge is based upon grounds that the challenged elector is not qualified to remain on the list of electors, the board of registrars shall proceed to conduct a hearing on the challenge on an expedited basis prior to the certification of the consolidated returns of the election by the election superintendent. The election superintendent shall not certify such consolidated returns until such hearing is complete and the registrars have rendered their decision on the challenge. If the registrars deny the challenge, the superintendent shall proceed to certify the consolidated returns. If the registrars uphold the challenge, the name of the challenged elector shall be removed from the list of electors and the ballot of the challenged elector shall be rejected and not counted and, if necessary, the returns shall be adjusted to remove any votes cast by such elector. The elector making the challenge and the challenged elector may appeal the decision of the registrars in the same manner as provided in subsection (e) of Code Section 21-2-229.

(h) If the challenged elector appears at the polls to vote and it is practical to conduct a hearing on the challenge prior to the close of the polls, the registrars shall conduct such hearing and determine the merits of the challenge. If the registrars deny the challenge, the elector shall be permitted to vote in the election notwithstanding the fact that the polls may have closed prior to the time the registrars render their decision and the elector can actually vote, provided that the elector proceeds to vote immediately after the decision of the registrars. If the registrars uphold the challenge, the challenged elector shall not be permitted to vote and, if the challenge is based upon the grounds that the elector is not qualified to remain on the list of electors, the challenged elector's name shall be removed from the list of electors.

(i) If the challenged elector appears at the polls to vote and it is not practical to conduct a hearing prior to the close of the polls or if the registrars begin a hearing and subsequently find that a decision on the challenge cannot be rendered within a reasonable time, the challenged elector shall be permitted to vote by having the word 'Challenged' and the elector's name written across the back of the elector's ballot notwithstanding the fact that the polls may have closed prior to the time the registrars make such a determination, provided that the elector proceeds to vote immediately after such determination of the registrars. In such cases, if the challenge is based upon the grounds that the challenged elector is not qualified to remain on the list of electors, the registrars shall proceed to finish the hearing prior to the certification of the consolidated returns of the election by the election superintendent. If the challenge is based on other grounds, no further action shall be required by the registrars. The election superintendent shall not certify such consolidated returns until such hearing is complete and the registrars have rendered their decision on the challenge. If the registrars deny the challenge, the superintendent shall proceed to certify

1 the consolidated returns. If the registrars uphold the challenge, the name of the challenged
2 elector shall be removed from the list of electors and the ballot of the challenged elector
3 shall be rejected and not counted and, if necessary, the returns shall be adjusted to remove
4 any votes cast by such elector. The elector making the challenge and the challenged elector
5 may appeal the decision of the registrars in the same manner as provided in subsection (e)
6 of Code Section 21-2-229.

7 21-2-231.

8 (a) The clerk of the superior court of each county shall, on or before the tenth day of each
9 month, prepare and transmit to the Secretary of State, in a format as prescribed by the
10 Secretary of State, a complete list of all persons, including addresses, ages, and other
11 identifying information as prescribed by the Secretary of State, who were convicted of a
12 felony involving moral turpitude during the preceding calendar month in the county.

13 (b) The judge of the probate court of each county shall, on or before the tenth day of each
14 month, prepare and transmit to the Secretary of State, in a format as prescribed by the
15 Secretary of State, a complete list of all persons, including addresses, ages, and other
16 identifying information as prescribed by the Secretary of State, who were declared mentally
17 incompetent during the preceding calendar month in the county and whose voting rights
18 were removed.

19 (c) Upon receipt of the lists described in subsections (a) and (b) of this Code section and
20 the lists of persons convicted of felonies in federal courts received pursuant to 42 U.S.C.
21 Section 1973gg-6(g), the Secretary of State shall transmit the names of such persons whose
22 names appear on the list of electors to the appropriate county board of registrars who shall
23 remove all such names from the list of electors and shall mail a notice of such action and
24 the reason therefor to the last known address of such persons by first-class mail.

25 (d) The local registrar of vital statistics of each county shall, on or before the tenth day of
26 each month, prepare and transmit to the Secretary of State, in a format as prescribed by the
27 Secretary of State, a complete list of all persons, including addresses, ages, and other
28 identifying information as prescribed by the Secretary of State, who died during the
29 preceding calendar month in the county. The Secretary of State may, by agreement with
30 the commissioner of human resources, obtain such information from the state registrar of
31 vital statistics. Additionally, the Secretary of State is authorized to obtain such lists of
32 deceased Georgia electors, if possible, from other states.

33 (e) Upon receipt of the lists described in subsection (d) of this Code section, the Secretary
34 of State or his or her designated agent shall remove all such names of deceased persons
35 from the list of electors and shall notify the registrar in the county where the deceased
36 person was domiciled at the time of his or her death.

(f) County registrars shall initiate appropriate action regarding the right of an elector to remain on the list of qualified registered voters within 60 days after receipt of the information described in this Code section. Failure to take such action may subject the registrars or the governing authority for whom the registrars are acting to a fine by the State Election Board.

21-2-232.

(a) An elector may request to have such elector's name removed from the list of electors by making a written request to the registrars of such elector's county of residence. Upon receipt of such request, the registrars shall remove such elector's name from the list of electors and shall confirm such removal by written notice by first-class mail sent to the address on the elector's registration records.

(b) When an elector of this state moves to another county or state and registers to vote and the registration officials send a notice of cancellation reflecting the registration of the elector in the other county or state, the Secretary of State or the board of registrars, as the case may be, shall remove such elector's name from the list of electors. It shall not be necessary to send a confirmation notice to the elector in such circumstances.

21-2-233.

(a) The Secretary of State is authorized to cause at his or her discretion the official list of electors to be compared to the change of address information supplied by the United States Postal Service through its licensees periodically for the purpose of identifying those electors whose addresses have changed.

(b) If it appears from the change of address information supplied by the licensees of the United States Postal Service that an elector whose name appears on the official list of electors has moved to a different address in the county in which the elector is presently registered, the list of electors shall be changed to reflect the new address and the elector shall be sent a notice of the change by forwardable mail at both the old address and the new address with a postage prepaid, preaddressed return form by which the elector may verify or correct the address information.

(c) If it appears from the change of address information supplied by the licensees of the United States Postal Service that an elector whose name appears on the official list of electors has moved to a different address outside of the boundaries of the county or municipality in which the elector is presently registered, such elector shall be sent a confirmation notice as provided in Code Section 21-2-234 at both the old and new addresses. If the elector confirms the change of address to an address outside of the boundaries of the county or municipality in which the elector is presently registered, the

1 elector's name shall be removed from the appropriate list of electors. If the elector responds
2 to the notice and affirms that the elector has not moved, the elector shall remain on the list
3 of electors at the elector's current address. If the elector fails to respond to the notice within
4 30 days after the date of the notice, the elector shall be transferred to the inactive list
5 provided for in Code Section 21-2-235.

6 (d) Whenever an elector's name is removed from the list of electors by the county
7 registrars because the elector has furnished in writing to the registrar a residence address
8 that is located outside of the elector's present county of registration, the registrars shall
9 notify the elector in writing at the elector's new address that the elector's name is being
10 deleted from the list of electors for that county and that the elector must reregister in the
11 new county of residence in order to be eligible to vote. The registrars shall provide the
12 person with the appropriate form for registration at the time of such notice.

13 (e) Nothing in this Code section shall prevent the removal from the list of electors of an
14 elector for ineligibility to vote.

15 21-2-234.

16 (a)(1) As used in this Code section and Code Section 21-2-235, the term 'no contact' shall
17 mean that the elector has not filed an updated voter registration card, has not filed a
18 change of name or address, has not signed a petition which is required by law to be
19 verified by the election superintendent of a county or municipality or the Secretary of
20 State, has not signed a voter's certificate, and has not confirmed the elector's continuation
21 at the same address during the preceding three calendar years.

22 (2) In the first six months of each odd-numbered year, the Secretary of State shall
23 identify all electors whose names appear on the list of electors with whom there has been
24 no contact during the preceding three calendar years and who were not identified as
25 changing addresses under Code Section 21-2-233. The confirmation notice described in
26 this Code section shall be sent to each such elector during each odd-numbered year. Such
27 notices shall be sent by forwardable, first-class mail.

28 (b) When mailings to electors whose names appear on the list of electors, including, but
29 not limited to, acknowledgments under Code Section 21-2-226, are returned undeliverable
30 by the United States Postal Service, the confirmation notice described in this Code section
31 shall be sent to such electors.

32 (c) The confirmation notice shall be a postage prepaid, preaddressed return card on which
33 an elector may state such elector's current address and which also includes a notice which
34 states substantially the following:

(1) If the elector has not changed addresses or has changed addresses within the county or municipality in which the elector is currently registered, the elector must return the card with the updated information, if any, within 30 days after the date of the notice; and

(2) If the card is not returned within 30 days after the date of the notice, the elector's name shall be transferred to the inactive list of electors provided for in Code Section 21-2-235.

(d) If the elector returns the card and shows that he or she has changed residence to a place outside of the boundaries of the county or municipality in which the elector is currently registered, the elector's name shall be removed from the appropriate list of electors and information shall be sent to the elector explaining how the elector can continue to be eligible to vote.

(e) If the elector returns the card and states that the elector has changed residences within the county or municipality in which the elector is currently registered, the elector shall remain on the list of electors, the registration records shall be corrected to reflect such new address, and a new voter identification card shall be issued pursuant to Code Section 21-2-226.

(f) If such elector returns the card and confirms that such elector continues to reside at the current address at which such elector is registered, the fact of such confirmation shall be recorded and the elector shall remain on the list of electors.

(g) If the elector fails to return the card within 30 days after the date of the notice, the elector shall be transferred to the inactive list provided for in Code Section 21-2-235.

(h) Nothing in this Code section shall prevent the removal from the list of electors of an elector for ineligibility to vote.

(i) List maintenance activities pursuant to this Code section and Code Section 21-2-233 shall be completed not later than 90 days prior to a general primary or general election for federal offices or a presidential preference primary. This subsection shall not apply to notices sent pursuant to subsection (b) of this Code section.

21-2-235.

(a) In addition to the official list of electors, the Secretary of State shall also maintain an inactive list of electors. Notwithstanding any other provision of law to the contrary, the names of electors on the inactive list of electors shall not be counted in computing the number of ballots required for an election, the number of voting devices needed for a precinct, the number of electors required to divide or constitute a precinct, or the number of signatures needed on any petition. However, any elector whose name appears on the inactive list shall be eligible to sign a petition and such petition signature, if valid, shall be sufficient to return the elector to the official list of electors if the elector still resides at the

1 address listed on the elector's registration records and shall be grounds to proceed under
2 Code Section 21-2-234 to confirm the change of address of the elector if the elector
3 provides a different address from the address which appears on the elector's registration
4 records.

5 (b) An elector placed on the inactive list of electors shall remain on such list until the day
6 after the second November general election held after the elector is placed on the inactive
7 list of electors. If the elector makes no contact, as defined in Code Section 21-2-234, during
8 that period, the elector shall be removed from the inactive list of electors.

9 (c) An elector whose name is on the inactive list of electors may vote:

10 (1) If the elector has not changed residences, at the polling place of such elector's last
11 address upon affirming in writing that such elector still resides at the address shown on
12 such elector's registration records;

13 (2) If the elector has moved to an address within the county in the same precinct, such
14 elector may vote at the polling place of such elector's last address upon affirming in
15 writing that such elector resides in the county by completing a change of address card
16 affirming the new address within the county; or

17 (3) If the elector has moved to an address within the county or municipality in a different
18 precinct, such elector may vote at the polling place of such elector's last address, for that
19 election ~~and any runoffs resulting from such election~~ only, upon affirming in writing that
20 such elector still resides in the county or municipality and completing a change of address
21 card affirming the new address within the county or municipality.

22 (d) If an elector whose name appears on the inactive list of electors appears at the polls and
23 votes as provided under subsection (c) of this Code section, the board of registrars shall
24 transfer the elector's name back to the official list of electors and shall make any necessary
25 corrections in the elector's registration records.

26 (e) In addition to the official list of electors provided to each polling place, there shall also
27 be provided an inactive list of electors.

28 21-2-236.

29 (a) The voter registration cards of electors whose names appear on either the official list
30 of electors or the list of inactive electors shall be retained on file as long as the elector
31 remains on such lists and for a period of two years following the removal from the lists.

32 (b) The registration applications of persons whose applications were rejected and all
33 related material and records shall be retained on file for a period of two years after the date
34 of the rejection.

35 (c) All records concerning list maintenance activities under Code Sections 21-2-233 and
36 21-2-234 shall be maintained for a period of two years and shall be available for public

1 inspection and copying, except to the extent that such records relate to a declination to
2 register to vote or to the identity of a voter registration agency through which any particular
3 elector is registered. Such records shall contain the name and address of all electors to
4 whom confirmation notices are sent and information concerning whether each such elector
5 has responded to such notice.

6 ARTICLE 7

7 21-2-260.

8 (a) Each election district existing as of December 31, 1982, shall constitute a separate
9 precinct until and unless changed as provided in this article.

10 (b) The governing authority of each municipality shall determine and establish the number
11 and boundaries of municipal voting precincts in accordance with the provisions of this
12 article. Insofar as practicable, the precincts shall be the same as those for state and county
13 elections.

14 21-2-261.

15 (a) The superintendent of a county or the governing authority of a municipality may, as
16 provided in Code Section 21-2-262, divide or redivide any precinct in that county or
17 municipality into two or more precincts of compact and contiguous territory, or alter the
18 bounds of any precinct in that county or municipality, or form a precinct out of two or more
19 adjoining precincts or parts of precincts in that county or municipality, or consolidate
20 adjoining precincts in that county or municipality, so as to suit the convenience of the
21 electors and to promote the public interests.

22 (b) No new precinct shall be formed that shall contain less than 100 electors.

23 (c) The bounds of a precinct shall not be altered on a day in which a primary or election
24 is held, or during the period of 60 days prior to any general primary or election, or during
25 the period of 30 days prior to any special primary or election. The superintendent of a
26 county or the governing authority of a municipality shall promptly notify the board of
27 registrars of any change in the bounds of precincts.

28 (d) Any precinct established or altered under the provisions of this article must conform
29 with the requirements of subsection (a) of Code Section 21-2-261.1.

30 21-2-261.1.

31 (a) All voting precincts established or altered under the provisions of this article shall
32 consist of areas which are bounded on all sides only by:

(1) Visible features which are readily distinguishable upon the ground (such as streets, railroad tracks, streams, lakes, and ridges) and which are indicated upon official Department of Transportation maps, current census maps, city or county planning maps, official municipal maps, official county maps, or any combination of such maps;

(1.1) The boundaries of public parks;

(1.2) The boundaries of public school grounds;

(1.3) The boundaries of churches; or

(2) The boundaries of counties and incorporated municipalities.

(b) The superintendent of a county or the governing authority of a municipality shall notify the board of registrars within ten days after such changes are adopted.

(c) The superintendent of a county or the governing authority of a municipality shall file with the Secretary of State and the Legislative and Congressional Reapportionment Office:

(1) A map reflecting any changes in precincts within 20 days after the changes are made;

(2) A copy of any communications to or from the United States Department of Justice relating to any precincts within 20 days after such communication is sent or received;

(3) A copy of any pleading initiating a court action potentially affecting any precincts within 30 days after it is filed;

(4) A copy of any court order affecting any precincts within 20 days after it is entered; and

(5) Any other documentation necessary to allow the Secretary of State to maintain a current listing of all precincts in the state.

21-2-262.

(a) The superintendent may upon his or her own motion direct the board of registrars to investigate the division or redivision of a precinct into two or more precincts, or the alteration of the bounds of any precinct, or the formation of one or more precincts out of two or more existing precincts or parts thereof or the consolidation of adjoining precincts.

The board of registrars shall make a full investigation of the facts and shall promptly report to the superintendent its findings and recommendations as to the division, redivision, alteration, formation, or consolidation of the precincts. If the board of registrars shall find that a division, redivision, alteration, formation, or consolidation of precincts will promote the convenience of the electors and the public interests, it shall recommend a proper division, redivision, alteration, formation, or consolidation of precincts which conforms to the requirements of subsection (a) of Code Section 21-2-261.1 and shall accompany its report with a map, plat, or draft of the new election precinct or precincts proposed by it.

(a.1) Upon the petition of 20 electors or of the county executive committee of a political party to the superintendent of the county, praying for the division or redivision of a precinct

1 into two or more precincts, or for the alteration of the bounds of any precinct, or for the
2 formation of one or more precincts out of two or more existing precincts or parts thereof,
3 or for the consolidation of adjoining precincts, the superintendent shall refer such petition
4 to the board of registrars, which shall make a full investigation of the facts and shall
5 promptly report to the superintendent its findings and recommendations as to the division,
6 redivision, alteration, formation, or consolidation of the precincts prayed for. If the board
7 of registrars shall find that a division, redivision, alteration, formation, or consolidation of
8 precincts will promote the convenience of the electors and the public interests, it shall
9 recommend a proper division, redivision, alteration, formation, or consolidation of
10 precincts which conforms to the requirements of subsection (a) of Code Section 21-2-261.1
11 and shall accompany its report with a map, plat, or draft of the new election precinct or
12 precincts proposed by it. Such petitions may specify the boundaries desired by the
13 petitioners and may be accompanied by a map setting forth such boundaries.

14 (b) The board of registrars may also petition the superintendent for the division or
15 redivision of any precinct into two or more precincts, or for the alteration of the bounds of
16 any precinct, or for the formation of one or more precincts out of two or more existing
17 precincts or parts thereof, or for the consolidation of adjoining precincts, accompanying its
18 petition by a description of the proposed new precincts and by a map, plat, or draft thereof.

19 (c) Upon the presentation of any such petition by the board of registrars or upon the filing
20 by the board of its report and recommendations as to any investigation presented under
21 subsection (a) of this Code section, the superintendent may make such order for the
22 division, redivision, alteration, formation, or consolidation of precincts as will, in the
23 superintendent's opinion, promote the convenience of electors and the public interests;
24 provided, however, that the superintendent shall not make any final order for the division,
25 redivision, alteration, formation, or consolidation of precincts until at least ten days after
26 notice of such change shall have been advertised in the legal organ of the county. Such
27 notice shall state briefly the division, redivision, alteration, formation, or consolidation of
28 precincts recommended by the board of registrars and the date upon which the same will
29 be considered by the superintendent and shall contain a warning that any person objecting
30 thereto must file his or her objections with the superintendent prior to such date. Upon the
31 making of any such final order by the superintendent, a copy thereof shall be certified by
32 the superintendent to the board of registrars.

33 (d) In any county having a population of more than 250,000 according to the United States
34 decennial census of 1970 or any such future census, the powers and duties conferred upon
35 the superintendent by this Code section and Code Sections 21-2-261 and 21-2-261.1 shall
36 be exercised and performed by the governing authority of the county.

1 21-2-263.

2 If at the previous general election a precinct contained more than 2,000 electors and if all
3 those electors desiring to vote had not completed voting one hour following the closing of
4 the polls at such previous general election or the primary election that preceded it, the
5 superintendent shall reduce the size of said precinct so that it shall contain not more than
6 2,000 electors in accordance with the procedures prescribed by this chapter for the division,
7 alteration, and consolidation of precincts no later than 60 days before the next general
8 election. For administering this Code section, the chief manager of a precinct which
9 contained more than 2,000 electors at the previous general election shall submit a report
10 thereof, under oath, to the superintendent as to the time required for completion of voting
11 by all persons in line at the time the polls were closed at such previous general election and
12 the primary election that preceded it. Any such change in a precinct shall conform with the
13 requirements of subsection (a) of Code Section 21-2-261.1.

14 21-2-264.

15 In all cases of the division, redivision, alteration, formation, or consolidation of precincts,
16 the costs of the proceedings shall be paid by the county or governing authority, as
17 appropriate. There may be appropriated to the Secretary of State funds to be granted to
18 counties or municipalities for purposes of meeting the requirements of Code Section
19 21-2-261.1. Upon the filing of a written request by the election officials of any qualified
20 county or municipality, a qualified county or municipality shall be reimbursed for all
21 reasonable expenses incurred by such county or municipality which are directly related to
22 the redrawing of voting precinct boundaries, verification of voting precinct residency,
23 notification of voter precinct and polling place changes, and compilation and preparation
24 of the electors list as necessitated by Code Section 21-2-261.1; provided, however, that
25 such reimbursement of costs shall not exceed 25¢ per registered voter whose name
26 appeared on such county's or municipality's electors list as of January 1, 1982. Any
27 qualified county or municipality seeking reimbursement of such costs shall present an
28 itemized description of such costs to the Secretary of State. If the Secretary of State, after
29 a review of the report of such costs incurred by a county or municipality, shall find that all
30 or portions of such costs were reasonable and were directly related to the preparation of
31 such descriptions and lists, he or she shall approve all of those parts of the costs deemed
32 reasonable and shall reimburse the counties or municipalities for such expenses. Any state
33 funds necessary to carry out the provisions of this subsection shall come only from those
34 funds appropriated to the Secretary of State specifically for the purpose of implementing
35 the provisions of Code Section 21-2-261.1. If such funds are not sufficient to bear
36 completely the cost of fully implementing the provisions of Code Section 21-2-261.1,

1 payment to the counties or municipalities seeking assistance shall be made on a pro rata
2 basis subject to the availability of appropriated funds.

3 21-2-265.

4 (a) The superintendent of a county or the governing authority of a municipality shall select
5 and fix the polling place within each precinct and may, either on his, her, or its own motion
6 or on petition of ten electors of a precinct, change the polling place within any precinct.
7 Except in case of an emergency or unavoidable event occurring within ten days of a
8 primary or election, which emergency or event renders any polling place unavailable for
9 use at such primary or election, the superintendent of a county or the governing authority
10 of a municipality shall not change any polling place until notice of the proposed change
11 shall have been published for once a week for two consecutive weeks in the legal organ for
12 the county or municipality in which the polling place is located. Additionally, on the first
13 election day following such change, a notice of such change shall be posted on the previous
14 polling place and at three other places in the immediate vicinity thereof. The occupant or
15 owner of the previous polling place, or his or her agent, shall be notified in writing of such
16 change at the time notice is published in the legal organ.

17 (b) Except in case of an emergency or unavoidable event occurring within ten days of a
18 primary or election, which emergency or event renders any polling place unavailable for
19 use, if a petition is presented to the superintendent of a county or the governing authority
20 of a municipality on or before the day set for hearing of the petition for change of a polling
21 place, signed by 20 percent of the electors of the precinct objecting to the proposed change,
22 such change shall not be ordered.

23 ~~(c) In primaries, the superintendent of a county or the governing authority of a~~
24 ~~municipality in selecting and fixing the polling place in each precinct shall select a polling~~
25 ~~place which will provide adequate space for all parties conducting their primaries therein~~
26 Reserved.

27 (d) The superintendent of a county or the governing authority of a municipality, in
28 selecting and fixing a polling place in each precinct, shall select, if practicable, a polling
29 place with suitable and appropriate access to disabled voters. If no such practicable
30 locations exist within the precinct, the superintendent of a county or the governing
31 authority of a municipality may effect temporary modifications to such existing locations
32 as will, in his or her or its judgment, provide more convenient and appropriate access to the
33 polling place by the disabled voter. No polling place shall be selected or used under any
34 circumstances which does not have suitable and appropriate access to persons with
35 disabilities for the purpose of voting; and any person, whether or not personally aggrieved,
36 may bring an action for mandamus to require that all polling places in the county or

1 municipality have suitable and appropriate access to persons with disabilities for the
2 purpose of voting.

3 (e) The superintendent may establish the polling place for a precinct outside the boundaries
4 of the precinct if there is no suitable facility within the precinct which could be used as a
5 polling place and if, by so doing, such polling place would better serve the needs of the
6 voters.

7 21-2-266.

8 (a) In selecting polling places, the superintendent of a county or the governing authority
9 of a municipality shall select, wherever practicable and consistent with subsection (d) of
10 Code Section 21-2-265, schoolhouses, municipal buildings or rooms, or other public
11 buildings for that purpose. In selecting polling places, the superintendent of a county or the
12 governing authority of a municipality shall give consideration to the comfort and
13 convenience those places to be selected will provide to both electors and poll officers.
14 School, county, municipal, or other governmental authorities, upon request of the
15 superintendent of a county or the governing authority of a municipality, shall make
16 arrangements for the use of their property for polling places; provided, however, that such
17 use shall not substantially interfere with the use of such property for the purposes for which
18 it is primarily intended.

19 (b) The superintendent of a county or the governing authority of a municipality shall have
20 discretion to procure and provide portable or movable polling facilities of adequate size for
21 any precinct.

22 21-2-267.

23 (a) The governing authority shall provide and the superintendent shall cause all rooms used
24 as polling places to be provided with suitable heat and light and, in precincts in which
25 ballots are used, with a sufficient number of voting compartments or booths with proper
26 supplies in which the electors may conveniently mark their ballots, with a curtain, screen,
27 or door in the upper part of the front of each compartment or booth so that in the marking
28 thereof they may be screened from the observation of others. A curtain, screen, or door
29 shall not be required, however, for the self-contained units used as voting booths in which
30 direct recording electronic (DRE) voting units are located if such booths have been
31 designed so as to ensure the privacy of the elector. When practicable, every polling place
32 shall consist of a single room, every part of which is within the unobstructed view of those
33 present therein and shall be furnished with a guardrail or barrier closing the inner portion
34 of such room, which guardrail or barrier shall be so constructed and placed that only such
35 persons as are inside such rail or barrier can approach within six feet of the ballot box and

1 voting compartments, or booths, or voting machines, as the case may be. The ballot box
2 and voting compartments or booths shall be so arranged in the voting room within the
3 enclosed space as to be in full view of those persons in the room outside the guardrail or
4 barrier. The voting machine or machines shall be placed in the voting rooms within the
5 enclosed space so that, unless its construction shall otherwise require, the ballot labels on
6 the face of the machine can be plainly seen by the poll officers when the machine is not
7 occupied by an elector. In the case of direct recording electronic voting units, the units
8 shall be arranged in such a manner as to ensure the privacy of the elector while voting on
9 such units, to allow monitoring of the units by the poll officers while the polls are open,
10 and to permit the public to observe the voting without affecting the privacy of the electors
11 as they vote.

12 (b) The superintendent, unless otherwise provided by law, may make such arrangements
13 as he or she deems proper for the storage of election equipment in the various precincts of
14 the county at such times of the year that it will not be used for election purposes and may
15 fix reasonable compensation therefor.

16 21-2-268.

17 The superintendent or governing authority shall fix the compensation for rent, heat, light,
18 and janitorial services to be paid for the use of polling places for primaries and elections;
19 provided, however, that no compensation for rent, heat, or light shall be paid in the case of
20 schoolhouses, municipal buildings or rooms, or other public buildings used as polling
21 places.

22 21-2-269.

23 If, in any precinct, no proper polling place can be obtained, the superintendent shall cause
24 to be constructed for such precinct a temporary room of adequate size to be used as a
25 polling place.

26 ~~21-2-270.~~

27 ~~(a) This Code section shall apply to a run-off primary held in a county where:~~

28 ~~(1) No run-off election is to be held for election of any candidate who is elected at a~~
29 ~~nonpartisan election;~~

30 ~~(2) A run-off primary is to be held for nomination of one or more candidates who are~~
31 ~~nominated by one political party for election to the United States House of~~
32 ~~Representatives or to an office elected by the voters of the entire state; and no run-off~~
33 ~~primary is to be held for any candidate who is nominated by any other political party or~~

1 ~~any candidate who is nominated for election other than to the United States House of~~
2 ~~Representatives or to an office elected other than by the voters of the entire state; and~~
3 ~~(3) Fewer than 1 percent of the county's registered voters voted at the primary of the~~
4 ~~political party by which a candidate or candidates are to be nominated at the run-off~~
5 ~~primary.~~

6 ~~(b) In any case to which this Code section applies, only one polling place shall be required~~
7 ~~to be open in the county at the run-off primary; and such polling place shall be the polling~~
8 ~~place for the precinct wherein the county courthouse is located. Any voter who is otherwise~~
9 ~~eligible to vote in such run-off primary shall be entitled to vote in said run-off primary at~~
10 ~~said single polling place. If the superintendent determines that a single polling place is~~
11 ~~insufficient, all polling places within the county shall be open.~~

12 ~~(c) In any case in which only one polling place is to be utilized pursuant to this Code~~
13 ~~section, the superintendent shall cause an advertisement to be published once a week for~~
14 ~~two weeks immediately preceding the run-off primary. Such advertisement shall be in~~
15 ~~substantially the following form:~~

16 ~~'At the run-off primary to be held in _____ County on (date) for the nomination of~~
17 ~~candidates of the _____ Party, only one polling place shall be open and such polling~~
18 ~~place will be located at _____. Any voter who desires to vote in such run-off primary~~
19 ~~must vote at said polling place and no other polling places will be open for the run-off~~
20 ~~primary.'~~

21 ~~(d) The superintendent shall also cause a copy of such notice to be prominently posted at~~
22 ~~each polling place in the county on the date of the run-off primary and on each of the 14~~
23 ~~days immediately preceding the date of the run-off primary. The superintendent shall also~~
24 ~~request the news media to provide news coverage of the fact that all persons desiring to~~
25 ~~vote at the run-off primary must vote at said single polling place.~~

26 ARTICLE 8

27 21-2-280.

28 All primaries and elections in this state shall be conducted by ballot, except when voting
29 machines are used as provided by law. A ballot may be electronic or printed on paper. All
30 ballots used in any primary or election shall be provided by the superintendent or governing
31 authority in accordance with this article, and only official ballots furnished by the
32 superintendent or governing authority shall be cast or counted in any primary or election
33 in any precinct in which ballots are used.

21-2-281.

In any primary or election in which the use of voting equipment is impossible or impracticable, for the reasons set out in Code Section 21-2-334, the primary or election may be conducted by paper ballot in the manner provided in Code Section 21-2-334.

21-2-282.

Reserved.

21-2-283.

In any primary or election, the superintendent or governing authority shall cause all the ballots and ballot labels to be printed accurately and in the form prescribed by this chapter, and the superintendent or governing authority shall be responsible for the safekeeping of the same while in his or her or its possession or that of his or her or its agent. The superintendent or governing authority shall keep a record of the number of official ballots printed and furnished to each precinct at each primary and election, and the number of stubs, unused ballots, and canceled ballots subsequently returned therefrom.

21-2-284.

(a) In each primary, ~~separate~~ official ballots shall be prepared ~~for the political party holding the primary~~. At the top of each ballot shall be printed in prominent type the words 'OFFICIAL PRIMARY BALLOT OF _____ PARTY FOR,' followed by the designation of the precinct for which it is prepared and the name and date of the primary.

(b) The State Election Board shall by rule and regulation determine the appropriate wording for directions as to how a vote should be cast on each type of voting equipment used in the state and how a new ballot should be issued when a ballot is spoiled.

(c) Immediately under the directions, the names of all candidates who have qualified ~~with the party in accordance with this chapter and party rules and who have been certified to the superintendent or Secretary of State as having so qualified~~ shall be printed on the ballots; ~~except unopposed candidates in municipal primaries where the municipal charter or ordinance does not prohibit the omission of such candidates' names from the ballot~~. The names of the candidates shall in all cases be arranged under the title of the office for which they are candidates and be printed thereunder in alphabetical order. The incumbency of a candidate seeking ~~party nomination~~ for the public office he or she then holds shall be indicated on the ballots. Under the title of each office shall be placed a direction as to the number of candidates to be voted for.

(d) ~~If at any general primary a political party shall submit to its members any matter or question to be voted upon, the party shall by the deadline for certifying candidates for the~~

~~primary election certify the wording of said question to the superintendent, if to be voted on by one county only, or to the Secretary of State, if to be voted on by more than one county; and the superintendent or Secretary of State shall have such language printed on the ballot form. To the left of each question there shall be placed the words 'Yes' and 'No' together with appropriate squares to the left of each for the convenient insertion of a cross (X) or check (✓) mark. If at any municipal primary a political party shall submit to its members any matter or question to be voted upon, the party shall also have printed on the ballots the necessary language to guide the elector in the expression of his or her choice as to such matter or question. Reserved.~~

(e) Each ballot shall have printed thereon the following:

'I understand that the offer or acceptance of money or any other object of value to vote for any particular candidate, list of candidates, issue, or list of issues included in this election constitutes an act of voter fraud and is a felony under Georgia law.'

(f) The ballots shall vary in form only as the names of precincts, offices, candidates, color of ballot cards, or this chapter may require.

21-2-284.1.

(a) The names of all candidates ~~seeking election in~~ qualified for a nonpartisan election primary conducted in conjunction with a partisan primary shall be printed on the ballot ~~of each political party~~; and insofar as practicable such nonpartisan offices ~~to be filled in a nonpartisan election~~ shall be separated from the names of ~~political party~~ candidates for partisan office by being listed last on each ~~political party~~ ballot, with the top of that portion of the ballot relating to the nonpartisan election primary to have printed in prominent type the words 'OFFICIAL NONPARTISAN ELECTION BALLOT.' Directions that explain how to cast a vote, how to write in a candidate, and how to obtain a new ballot after one is spoiled shall appear immediately under the caption as specified by rules and regulations of the State Election Board. Immediately under the directions, the names of the nonpartisan candidates shall in all cases be arranged under the title of the office for which they are candidates and be printed thereunder in alphabetical order. No party designation or affiliation shall appear beside the name of any candidate for nonpartisan office. ~~An appropriate space shall also be placed on the ballot for the casting of write-in votes for such offices.~~ The incumbency of a nonpartisan candidate seeking election to the public office he or she then holds shall be indicated on the ballots by printing the word 'Incumbent' beside his or her name. Under the title of each office shall be placed a direction as to the number of nonpartisan candidates to be voted for. ~~The votes cast for each nonpartisan candidate listed on all political party ballots shall be combined to determine the total number of votes received by each candidate in the nonpartisan election. In the event that~~

~~a candidate in such nonpartisan election does not receive a plurality of the total votes cast for such office, there shall be a nonpartisan election runoff between the candidates receiving the two highest numbers of votes for such office, and the names of such candidates shall be placed on each political party ballot at the general primary runoff in the same nonpartisan portion as prescribed in this Code section. If no political party runoff is required, the form of the ballot for the nonpartisan election runoff shall be prescribed by the Secretary of State or election superintendent in essentially the same format prescribed for nonpartisan elections. The candidate receiving the highest number of votes cast in the nonpartisan election runoff shall be declared duly elected to such office.~~

(b) In the case of nonpartisan municipal primaries, the form of the official nonpartisan primary ballot shall conform insofar as practicable to the form of the official primary ballot as detailed in Code Section 21-2-284, except that:

(1) The following shall be printed at the top of each ballot in prominent type:

'OFFICIAL NONPARTISAN PRIMARY BALLOT OF

(Name of Municipality)';

(2) There shall be no name or designation of any political organization nor any words, designation, or emblems descriptive of a candidate's political affiliation printed under or after any candidate's name which is printed on the ballot; and

(3) The incumbency of a candidate seeking election for the public office he or she then holds shall be indicated on the ballot.

21-2-285.

(a) At the top of each ballot for an election shall be printed in prominent type the words 'OFFICIAL BALLOT,' followed by the designation of the precinct for which it is prepared and the name and date of the election.

(b)(1) Directions that explain how to cast a vote and how to obtain a new ballot after one is spoiled shall appear immediately under this caption on a ballot presenting the names of candidates for election to office as specified by the rules and regulations of the State Election Board.

(2) Marks made in violation of these directions shall be disregarded in the counting of the votes cast. The names of persons inserted on the ballot by the elector shall be written only within the write-in space provided and the insertion of such names outside such column or by the use of a sticker, paster, stamp, or other printed or written matter is prohibited.

(c) Immediately under the directions, the names of all candidates who have ~~been~~ qualified for election in accordance with the requirements of Code Section

1 21-2-130 and other provisions of this chapter shall be printed on the ballot and the names
2 of the candidates shall in all cases be arranged under the titles of the respective offices they
3 are seeking. In a primary or special election, said names shall be arranged alphabetically
4 by last name under the title of the office. The incumbency of a candidate seeking election
5 for the public office he or she then holds shall be indicated on the ballot. ~~In a general~~
6 ~~election, the names of candidates who are nominees of a political party shall be placed~~
7 ~~under the name of their party. The columns of political parties shall be printed on the~~
8 ~~ballot, beginning on the left side thereof, and shall be arranged from left to right in the~~
9 ~~descending order of the totals of votes cast for candidates of the political parties for~~
10 ~~Governor at the last gubernatorial election. The columns of parties having no candidate~~
11 ~~for Governor on the ballot at the last gubernatorial election shall be arranged alphabetically~~
12 ~~according to the party name to the right of the columns of the parties so represented. The~~
13 ~~columns of political bodies shall be arranged alphabetically according to the body name~~
14 ~~to the right of the party columns. The names of all independent candidates shall be printed~~
15 ~~on the ballot in a column or columns under the heading 'Independent,' which shall be placed~~
16 ~~to the right of the political body columns. In the case of two or more independent~~
17 ~~candidates seeking the same office, their names shall be arranged under the title of the~~
18 ~~office in alphabetical order. The names of candidates seeking the same office shall be~~
19 ~~printed horizontally opposite one another in their respective columns, and such columns~~
20 ~~shall be of sufficient length to permit such an arrangement. To the right of the independent~~
21 ~~column or columns shall be printed a blank column sufficient for the insertion of write-in~~
22 ~~votes.~~ In a general election, the names of the qualified candidates shall be arranged under
23 the title of the office in descending order according to the number of votes received by such
24 candidates in the primary; provided, however, that among any two or more qualified
25 candidates for the same office who received the same number of votes in the primary, the
26 names shall be arranged alphabetically by last name.

27 (d) ~~Unless a candidate has filed with his or her nominating petition a certificate from a~~
28 ~~political party or body attesting that such candidate is the nominee of such party by virtue~~
29 ~~of having been nominated in a duly constituted party convention, the candidate's name~~
30 ~~shall appear on the ballot under the independent column~~ Reserved.

31 (e) When presidential electors are to be elected, the names of the nominees of each
32 political party or body for such offices shall be arranged alphabetically under the names of
33 the candidates of the party or body for President and Vice President of the United States.

34 (f) When proposed constitutional amendments or other questions are submitted to a vote
35 of the electors, each amendment or other question so submitted may be printed upon the
36 ballot following the groups of candidates for the various offices. Proposed constitutional
37 amendments so submitted shall be printed in the order determined by the Constitutional

1 Amendments Publication Board and in brief form as directed by the General Assembly and,
2 in the event of a failure to so direct, the form shall be determined by the Secretary of State
3 and shall include the short title or heading provided for in subsection (c) of Code Section
4 50-12-101. Unless otherwise provided by law, any other state-wide questions so submitted
5 shall be printed in brief form as directed by the General Assembly and, in the event of a
6 failure to so direct, the form shall be determined by the Secretary of State and any local
7 questions so submitted shall be printed in brief form as directed by the General Assembly
8 and, in the event of a failure to so direct, the form shall be determined by the
9 superintendent.

10 (g) When proposed questions are submitted to a vote of municipal electors, each question
11 so submitted may be printed upon the ballot to the right of or below the groups of
12 candidates for the various offices.

13 (h) Each ballot shall have printed thereon the following:

14 'I understand that the offer or acceptance of money or any other object of value to vote
15 for any particular candidate, list of candidates, issue, or list of issues included in this
16 election constitutes an act of voter fraud and is a felony under Georgia law.'

17 (i) The ballots shall vary in form only as the names of precincts, offices, candidates, or this
18 chapter may require.

19 (j) Any other provision of law to the contrary notwithstanding, in the event there is no
20 opposed candidate in a precinct in a general or special municipal election, no election shall
21 be held in such precinct ~~unless a write-in candidate has qualified as provided by law or~~
22 unless there are issues to be submitted to the electorate within a precinct.

23 (k) When, pursuant to subsection (j) of this Code section, no election is to be conducted,
24 the municipality shall provide notice reasonably calculated to inform the affected electorate
25 that no election is to be conducted. Each such unopposed candidate shall be deemed to have
26 voted for himself or herself. The superintendent shall certify such unopposed candidate as
27 elected in the same manner as he or she certifies other candidates as elected pursuant to
28 Code Section 21-2-502.

29 21-2-285.1.

30 ~~The names of all candidates for~~ For offices which were covered on July 1, 2001, the
31 effective date of this Code section by a local Act of the General Assembly which provided
32 for election in a nonpartisan election without a prior nonpartisan primary ~~shall be printed~~
33 ~~on each official election ballot; and insofar as practicable such offices to be filled in the~~
34 ~~nonpartisan election shall be separated from the names of candidates for other offices by~~
35 ~~being listed last on each ballot, with the top of that portion of each official election ballot~~
36 ~~relating to the nonpartisan election to have printed in prominent type the words 'OFFICIAL~~

~~NONPARTISAN ELECTION BALLOT.'~~ ~~Directions that explain how to cast a vote, how to write in a candidate, and how to obtain a new ballot after the elector spoils his or her ballot shall appear immediately under the caption, as specified by rule or regulation of the State Election Board. Immediately under the directions, the name of each such nonpartisan candidate shall be arranged alphabetically by last name under the title of the office for which they are candidates and be printed thereunder. The incumbency of a candidate seeking election for the public office he or she then holds shall be indicated on the ballot. No party designation or affiliation shall appear beside the name of any candidate for nonpartisan office. An appropriate space shall also be placed on the ballot for the casting of write-in votes for such offices. In the event that no candidate in such nonpartisan election receives a plurality of the total votes cast for such office, there shall be a nonpartisan election runoff between the candidates receiving the two highest numbers of votes, and the names of such candidates shall be placed on the official ballot at the general election runoff in the same manner as prescribed in this Code section for the nonpartisan election. In the event that only nonpartisan candidates are to be placed on a run-off ballot, the form of the ballot shall be as prescribed by the Secretary of State or election superintendent in essentially the same format as prescribed for the nonpartisan election. The candidate having a plurality of the votes cast in the nonpartisan election or the candidate receiving the highest number of votes cast in the nonpartisan election runoff shall be declared duly elected to such office.~~ such offices shall be elected in a nonpartisan election following a nonpartisan primary as provided in this chapter unless and until such offices are made partisan offices pursuant to subsequent repeal of applicable local Acts enacted pursuant to Code Section 21-2-139.

21-2-286.

(a) In any primary or election, the superintendent shall cause the ballots to be printed in the form prescribed by this chapter.

(b)(1) Paper ballots other than those printed for optical scanning voting systems shall be at least six inches long and four inches wide and shall have a margin extending beyond any printing thereon. They shall be printed with the same kind of type, which shall not be smaller than the size known as 'brevier' or 'eight-point body,' upon white paper of uniform quality, without any impression or mark to distinguish one from another, and with sufficient thickness to prevent the printed matter from showing through, ~~except that ballots being used in primaries held by more than one party may be of different colors or may have colored stripes or blocks to distinguish the ballots if the parties so agree.~~ Each ballot shall be attached to a name stub, and all the ballots for the same precinct shall be bound together in books of 25, 50, or 100, in such manner that each ballot may be

1 detached from its stub and removed separately. ~~The ballots for each party to be used at~~
2 ~~a primary shall be bound separately.~~ The name stubs of the ballots shall be consecutively
3 numbered; ~~and, in the case of primary ballots, the number shall be preceded by an initial~~
4 ~~or abbreviation designating the party name.~~ The number and initial or abbreviation which
5 appears upon the stub shall also be printed in the upper portion of the front of the ballot,
6 separated from the remainder of the ballot by a horizontal perforated line so as to
7 constitute a number strip and so prepared that the upper portion of the front of the ballot
8 containing the number may be detached from the ballot before it is deposited in the ballot
9 box. The number strip on the ballot shall also have the following words printed thereon:
10 'Tear off before depositing ballot in ballot box.'

11 (2) Ballots for direct recording electronic voting systems shall be designed as prescribed
12 by the Secretary of State to ensure easy reading by electors.

13 21-2-287.

14 The form for the absentee ballot shall be in substantially the same form as the official
15 ballots used in the precincts, except it shall be printed with only the name stub and without
16 a number strip and may have the precinct designation printed or stamped thereon.

17 21-2-288.

18 If two or more candidates for the same ~~nomination or~~ office shall have the same or similar
19 names, the Secretary of State, in the case of federal or state offices, the superintendent of
20 elections, in the case of county offices, or the official with whom such candidates qualify,
21 in the case of municipal elections, shall print or cause to be printed the residence of all
22 candidates for such ~~nomination or~~ office on the ballot under their names. The designated
23 official shall determine whether the names of the candidates are of such a similar nature as
24 to warrant printing the residence of all candidates for that office on the ballot; and the
25 decision of the designated official shall be conclusive.

26 21-2-289.

27 As soon as any substitute candidate has ~~been duly nominated by his or her political party~~
28 ~~or body~~ qualified pursuant to Code Section 21-2-134, at any time prior to the day on which
29 the printing of ballots is started, his or her name shall be substituted in place of that of the
30 candidate who has died, withdrawn, or been disqualified.

31 21-2-290.

32 The superintendent shall provide, for each precinct in which a primary or election is to be
33 held, a sufficient number of ballots equal to the number of active registered electors.

1 21-2-291.

2 Any other provision of law to the contrary notwithstanding, in the event there is no
3 opposed candidate in a precinct in a special or general election, no special or general
4 election shall be held in such precinct ~~unless more than one write-in candidate has qualified~~
5 ~~as provided by law or~~ unless there are issues to be submitted to the electorate. Except as
6 provided in Code Section 21-2-158, each such unopposed candidate shall be deemed to
7 have voted for himself or herself. Where feasible, the superintendent shall provide notice
8 reasonably calculated to inform the affected electorate that no special or general election
9 is to be conducted. The superintendent shall certify such unopposed candidate as elected
10 in the same manner as he or she certifies other candidates as elected pursuant to Code
11 Section 21-2-493.

12 21-2-292.

13 The superintendent shall have on file in his or her office open to public inspection, at least
14 five days prior to the day of holding each primary and election, forms of the ballots, with
15 the names and such statements and notations printed thereon as may be required by this
16 chapter. Such forms shall be used in each precinct within the county or municipality.

17 21-2-293.

18 When it is shown by affidavit that a mistake or omission has occurred in the printing of
19 official ballots for any primary or election, the superior court of the proper county may,
20 upon the application of any elector of the county or municipality, require the superintendent
21 to correct the mistake or omission or to show cause why he or she should not do so.

22 21-2-294.

23 The superintendent shall keep a record of the number of official ballots printed and
24 furnished to each precinct at each primary and election and of the number of stubs, unused
25 ballots, and canceled ballots subsequently returned therefrom.

26 ARTICLE 8A

27 21-2-300.

28 (a) Provided that the General Assembly specifically appropriates funding to the Secretary
29 of State to implement this subsection, the equipment used for casting and counting votes
30 in county, state, and federal elections shall, by the July, 2004, primary election and
31 afterwards, be the same in each county in this state and shall be provided to each county
32 by the state, as determined by the Secretary of State.

(b) Each county shall, prior to being provided with voting equipment by the state, provide polling places that are adequate for the operation of such equipment including, if necessary, the placement within the polling places of a sufficient number of electrical outlets and telephone lines.

(c) Each county shall, prior to being provided with voting equipment by the state, provide or contract for adequate technical support for the installation, set up, and operation of such voting equipment for each primary, election, and special primary and special election as the Secretary of State shall determine by rule or regulation.

(d) The Secretary of State shall be responsible for the development, implementation, and provision of a continuing program to educate voters, election officials, and poll workers in the proper use of such voting equipment. Each county shall bear the costs, including transportation, subsistence, and lodging, incurred by its election and registration officials in attending courses taught by or arranged by the Secretary of State for instruction in the use of the voting equipment.

(e)(1) Counties shall be authorized to contract with municipal governments for the use of such voting equipment in municipal elections under terms and conditions specified by the Secretary of State to assure that the equipment is properly used and kept secure.

(2) Notwithstanding the provisions of Code Section 21-2-45, counties may not levy a fee for use of state owned voting equipment but may require municipalities to reimburse the county for the actual expenses related to the election or elections that are subject to the county and municipal contract.

21-2-301.

Repealed.

ARTICLE 9

PART 1

21-2-310.

As used in this article, the term:

(1) 'Candidate counters' or 'question counters' means the counters which numerically register the votes cast for candidates and on questions, respectively.

(2) 'Diagram' means an illustration of the official ballot showing the names of the parties, bodies, offices, and candidates and statements of the questions, in their proper places, together with the voting devices therefor.

(3) 'Protective counter' means a counter or protective device or devices that will register each time the machine is operated and shall be constructed and so connected that it cannot be reset, altered, or operated except by operating the machine.

(4) 'Public counter' means a counter or other device which shall, at all times, publicly indicate how many times the machine has been voted on during an election.

(5) 'Registering counter' shall not include a protective counter.

(6) 'Vote indicator' means those devices with which votes are indicated for candidates or for or against questions.

PART 2

21-2-320.

The governing authority of any county or municipality may at any regular meeting or at a special meeting called for the purpose, by a majority vote, authorize and direct the use of voting machines for recording and computing the vote at all elections held in the county or municipality; and thereupon the governing authority shall purchase, lease, rent, or otherwise procure voting machines conforming to the requirements of this part.

21-2-321.

(a) The governing authority of any county or municipality which conducts elections by paper ballot may, upon its own motion, submit to the electors of the county or municipality, at any election, the question: 'Shall voting machines be used in _____?'

(b) The governing authority of any county or municipality which conducts elections by paper ballot, upon the filing of a petition with it signed by electors of the county equal in number to at least 1 percent of the total number of electors who voted in such county at the preceding general election or upon the receipt of a petition signed by at least 10 percent of the electors who voted in such municipality at the preceding general election, shall, at the next election occurring at least 45 days thereafter, submit to the electors of such county or municipality the question: 'Shall voting machines be used in _____?'

(c) The governing authority shall cause such question to be printed upon the ballots to be used at the election in the form and manner provided by the laws governing general elections.

(d) The election on such question shall be held at the places, during the hours, and under the regulations provided by law for holding general elections and shall be conducted by the poll officers provided by law to conduct such elections. The poll officers shall count the votes cast at the election on such question and shall make return thereof to the superintendent of such county or municipality as required by law. The returns shall be

1 computed by the superintendent and, when so computed, a certificate of the total number
2 of electors voting 'Yes' and of the total number of electors voting 'No' on such question
3 shall be filed in the office of the governing authority and in the office of the Secretary of
4 State.

5 (e) Whenever, under this Code section, the question of the adoption of voting machines
6 is about to be submitted to the electors of any county or municipality, it shall be the duty
7 of the governing authority of such county or municipality to ascertain whether current
8 funds will be available to pay for such machines, if adopted and purchased, or whether it
9 has power to increase the indebtedness of the county or municipality in an amount
10 sufficient to pay for the machines without the consent of the electors; and, if such current
11 funds will not be available and the power to increase the indebtedness of the county or
12 municipality in a sufficient amount without the consent of the electors is lacking, it shall
13 be the duty of the governing authority to submit to the electors of the county or
14 municipality, in the manner provided by law, at the same election at which the adoption of
15 voting machines is to be voted on, the question of whether the indebtedness of such county
16 or municipality shall be increased, in an amount specified by them, sufficient to pay for
17 such voting machines, if adopted.

18 (f) If a majority of the electors voting on such question or questions shall vote in the
19 affirmative, the governing authority of such county or municipality shall purchase, lease,
20 or rent voting machines, conforming to the requirements of this part, for recording and
21 computing the vote at all elections held in such county or municipality.

22 21-2-322.

23 No voting machine shall be adopted or used unless it shall, at the time, satisfy the following
24 requirements:

25 (1) It shall provide facilities for voting for such candidates as may be ~~nominated~~
26 qualified and upon such questions as may be submitted;

27 ~~(2) It shall permit each elector, in one operation, to vote for all the candidates of one~~
28 ~~party or body for presidential electors~~ Reserved;

29 ~~(3) Except as provided in paragraph (2) of this Code section for presidential electors, it~~
30 ~~shall permit each elector, at other than primaries, to vote a ticket selected from the~~
31 ~~nominees of any and all parties or bodies, from independent nominations, and from~~
32 ~~persons not in nomination~~ Reserved;

33 (4) It shall permit each elector to vote, at any election, for any ~~person~~ qualified candidate
34 and for any office for whom and for which he or she is lawfully entitled to vote, ~~whether~~
35 ~~or not the name of such person or persons appears upon a ballot label as a candidate for~~

1 ~~election~~; to vote for as many persons for an office as he or she is entitled to vote for; and
2 to vote for or against any question upon which he or she is entitled to vote;

3 (5) It shall preclude each elector from voting for any candidate or upon any question for
4 whom or upon which he or she is not entitled to vote; from voting for more persons for
5 any office than he or she is entitled to vote for; and from voting for any candidate for the
6 same office or upon any question more than once;

7 ~~(6) It shall be capable of adjustment by poll officers so as to permit each elector at a~~
8 ~~primary to vote only for the candidates seeking nomination by the party in whose primary~~
9 ~~he or she is then voting and so as to preclude him or her from voting for the candidates~~
10 ~~seeking nomination by any party in whose primary he or she is not then voting~~ Reserved;

11 ~~(7) It shall fairly permit each elector to deposit, write in, or affix upon receptacles or~~
12 ~~devices provided for the purpose ballots containing the names of persons for whom he~~
13 ~~or she desires to vote whose names do not appear upon the machine; provided, however,~~
14 ~~that, if the machine does not fairly permit such a vote to be cast, an elector desiring to~~
15 ~~vote for any person whose name does not appear on the machine shall be permitted to~~
16 ~~vote in the election by the use of a paper ballot which shall be furnished by the~~
17 ~~superintendent~~ Reserved;

18 (8) It shall permit each elector to change his or her vote for any candidate or upon any
19 question appearing upon the ballot labels up to the time he or she begins to register his
20 or her vote or indicates or expresses his or her intentions to register his or her vote;

21 (9) It shall permit and require voting in absolute secrecy and shall be so constructed that
22 no person can see or know for whom any other elector has voted or is voting, save an
23 elector whom he or she has assisted or is assisting in voting, as prescribed by law;

24 ~~(10) It shall have voting devices for separate candidates and questions, which shall be~~
25 ~~arranged in separate parallel rows or columns, so that, at any primary, one or more~~
26 ~~adjacent rows or columns may be assigned to the candidates of a party or body and shall~~
27 ~~have parallel office columns or rows transverse thereto~~ Reserved;

28 (11) It shall have a public counter or other device, the register of which is visible from
29 the outside of the machine, which shall show during any period of voting the total number
30 of electors who have operated the machine during such period of voting;

31 (12) It shall have a protective counter or other device, the register of which cannot be
32 reset, which shall record the cumulative total number of movements of the operating
33 mechanism;

34 (13) It shall be provided with a lock or locks, by the use of which, immediately after the
35 polls are closed or the operation of the machine for a primary or election is completed,
36 all movements of the registering mechanism are absolutely prevented;

(14) It shall be provided with a screen, hood, or curtain which shall conceal the actions of the elector while voting;

(15) It shall be constructed of material of good quality in a neat and workmanlike manner;

(16) It shall, when properly operated, register or record correctly and accurately every vote cast;

(17) It shall be so constructed that an elector may readily learn the method of operating it;

(18) It shall be safely transportable;

(19) It shall be so constructed and controlled that during the progress of voting it shall preclude every person from seeing or knowing the number of votes registered for any candidate and from tampering with any of the registering mechanism; and

(20) If it is of a type equipped with a mechanism for printing paper proof sheets and not requiring the counters to be made visible in order to canvass the votes recorded on the machine, the door or other device concealing such counters or keeping the same concealed may be equipped with a lock or locks, requiring the simultaneous use of three separate and substantially different keys to open or operate the same.

21-2-323.

(a) When the use of voting machines has been authorized in the manner prescribed by Code Section 21-2-320 or 21-2-321, such voting machines shall be installed, either simultaneously or gradually, within the county or municipality. Upon the installation of voting machines in any precinct, the use of paper ballots therein shall be discontinued, except as otherwise provided by this chapter.

(b) In each precinct in which voting machines are used, the governing authority shall provide at least one voting machine for each 500 electors, or major fraction thereof, except that at least one voting machine shall be provided in each such precinct in any case.

(c) Voting machines of different kinds may be used for different precincts in the same county or municipality.

(d) The governing authority shall provide voting machines in good working order and of sufficient capacity to accommodate the names of a reasonable number of candidates for all ~~party offices and nominations~~ and public offices, which, under existing laws and party rules, are likely to be voted for at any future primary or election.

21-2-324.

(a) Any person or organization owning, manufacturing, or selling, or being interested in the manufacture or sale of, any voting machine may request the Secretary of State to

1 examine the machine. Any ten or more electors of this state may, at any time, request the
2 Secretary of State to reexamine any voting machine previously examined and approved by
3 him or her. Before any such examination or reexamination, the person, persons, or
4 organization requesting such examination or reexamination shall pay to the Secretary of
5 State the reasonable expenses of such examination; provided, however, that in the case of
6 a request by ten or more electors the examination fee shall be \$250.00. The Secretary of
7 State may, at any time, in his or her discretion, reexamine any voting machine.

8 (b) The Secretary of State shall thereupon require such machine to be examined or
9 reexamined by three examiners whom he or she shall appoint for the purpose, of whom one
10 shall be an expert in patent law and the other two shall be experts in mechanics, and shall
11 require of them a written report on such machine, attested by their signatures; and the
12 Secretary of State shall examine the machine and shall make and file, together with the
13 reports of the appointed examiners, his or her own report, attested by his or her signature
14 and the seal of his or her office, stating whether, in his or her opinion and in consideration
15 of the reports of the examiners aforesaid, the kind of machine so examined can be safely
16 and accurately used by electors at primaries and elections as provided in this chapter. If his
17 or her report states that the machine can be so used, the machine shall be deemed approved;
18 and machines of its kind may be adopted for use at primaries and elections as provided in
19 this chapter.

20 (c) No kind of voting machine not so approved shall be used at any primary or election and
21 if, upon the reexamination of any voting machine previously approved, it shall appear that
22 the machine so reexamined can no longer be safely or accurately used by electors at
23 primaries or elections as provided in this chapter because of any problem concerning its
24 ability to accurately record or tabulate votes, the approval of the same shall immediately
25 be revoked by the Secretary of State; and no such voting machine shall thereafter be
26 purchased for use or be used in this state.

27 (d) At least ten days prior to any primary or election, including special primaries, special
28 elections, and referendum elections, the election superintendent shall verify and certify in
29 writing to the Secretary of State that all voting will occur on equipment certified by the
30 Secretary of State.

31 (e) Any vendor who completes a sale of voting machines that have not been certified by
32 the Secretary of State to a governmental body in this state shall be subject to a penalty of
33 \$100,000.00, payable to the State of Georgia, plus reimbursement of all costs and expenses
34 incurred by the governmental body in connection with the sale. The State Election Board
35 shall have authority to impose such penalty upon a finding that such a sale has occurred.

(f) When a machine has been so approved, no improvement or change that does not impair its accuracy, efficiency, or capacity shall render necessary a reexamination or reapproval of the machine or of its kind.

(g) Neither the Secretary of State, nor any examiner appointed by him or her for the purpose prescribed by this Code section, nor any superintendent, nor the governing authority of any county or municipality or a member of such authority, nor any other person involved in the examination process shall have any pecuniary interest in any voting machine or in the manufacture or sale thereof.

(h) The compensation of each examiner appointed under this Code section shall be fixed and paid by the Secretary of State.

21-2-325.

(a) The ballot labels shall be printed in black ink upon clear, white, or pastel colored material, of such size as will fit the ballot frame, and in plain, clear type so as to be easily readable by persons with normal vision.

(b) If the construction of the machine shall require it, the ballot label for each candidate, group of candidates, ~~political party or body~~, or question to be voted on shall bear the designating letter or number of the counter on the voting machine which will register or record votes therefor. Each question to be voted on shall appear on the ballot labels in brief form. Unless otherwise provided by law, proposed constitutional amendments so submitted shall be in brief form as directed by the General Assembly and, in the failure to so direct, the form shall be determined by the Secretary of State. Unless otherwise provided by law, any other state-wide questions so submitted shall be printed in brief form as directed by the General Assembly and, in the event of a failure to so direct, the form shall be determined by the Secretary of State and any local questions so submitted shall be printed in brief form as directed by the General Assembly and, in the event of a failure to so direct, the form shall be determined by the superintendent. In the case of questions to be voted on by the electors of a municipality, the governing authority shall determine the brief form of the questions.

(c) The ballot label for each candidate ~~or group of candidates nominated by a party or body~~ for partisan office shall contain the name or designation of the party ~~or body~~ for which such candidate has expressed a preference, if any, or in the absence of such preference shall contain the designation independent.

(d) The titles of offices may be arranged horizontally or vertically, with the names of candidates for an office arranged transversely under or opposite the title of the office. The incumbency of a candidate seeking election for the public office he or she then holds shall be indicated on the ballot labels.

1 (e) ~~The names of all candidates nominated by a party or body shall appear in adjacent rows~~
2 ~~or columns containing generally the names of candidates nominated by such party or body,~~
3 ~~provided that the names of individual candidates for presidential elector shall not appear~~
4 ~~upon the ballot labels, but, in lieu thereof, the names of the candidates of such party or~~
5 ~~body for President and Vice President shall be printed together with the name of such party~~
6 ~~or body.~~

7 (f) The form and arrangement of ballot labels shall be prepared by the superintendent.

8 (g) ~~The names of all candidates of a party or body shall appear in the same row or column,~~
9 ~~and no other names shall appear in the same row or column. The names of candidates and~~
10 ~~independent candidates shall be arranged under or opposite the title of the office for which~~
11 ~~they are candidates and shall appear in the order prescribed by subsection (c) and the~~
12 ~~second sentence of subsection (c) of Code Section 21-2-285. The rows or columns~~
13 ~~occupied by the names of the candidates of political parties and bodies shall be arranged~~
14 ~~according to the priority prescribed by subsection (c) of Code Section 21-2-285. When~~
15 ~~voting machines are used on which the titles of offices are arranged horizontally, the names~~
16 ~~of all candidates for the same office shall appear within the same vertical lines. The names~~
17 ~~of all candidates in a nonpartisan election held in conjunction with a general election shall~~
18 ~~appear on a separate portion of the voting machine in the form and arrangement prescribed~~
19 ~~in Code Section 21-2-285.1 insofar as practicable. At the top of the separate portion shall~~
20 ~~be printed in prominent type the words 'OFFICIAL NONPARTISAN ELECTION~~
21 ~~BALLOT.'~~

22 (h) ~~In primaries, the ballot labels containing the names of candidates seeking nomination~~
23 ~~by a political party shall be segregated on the face of the machine in adjacent rows or~~
24 ~~columns by parties, the priority of such political parties on the ballot labels to be~~
25 ~~determined in the order prescribed by subsection (c) of Code Section 21-2-285. If a~~
26 ~~nonpartisan primary or election is being held in conjunction with a partisan primary or~~
27 ~~election, each partisan ballot label shall be clearly marked to indicate that the elector may~~
28 ~~vote in the nonpartisan primary or election also. In nonpartisan primaries or elections, the~~
29 ~~ballot labels shall include a separate portion for the names of candidates seeking election~~
30 ~~in a nonpartisan election for nonpartisan office and the heading and arrangement of such~~
31 ~~candidates shall be as prescribed by Code Section 21-2-284.1 insofar as practicable. At the~~
32 ~~top of the separate portion shall be printed in prominent type the words 'OFFICIAL~~
33 ~~NONPARTISAN ELECTION BALLOT.'~~

34 (i) ~~In primaries, if it shall be impracticable to place on the ballot labels of one machine the~~
35 ~~names of all candidates seeking nomination in all political parties and the names of all~~
36 ~~candidates seeking election in a nonpartisan election, the superintendent may arrange for~~
37 ~~the names of all the candidates seeking nomination in any one political party to be placed~~

1 ~~on separate voting machines, provided, however, that the names of all candidates seeking~~
2 ~~election in a nonpartisan election shall appear on all machines. Reserved.~~

3 (j) Within the instruction section of the ballot label there shall be printed the following:

4 'I understand that the offer or acceptance of money or any other object of value to vote
5 for any particular candidate, list of candidates, issue, or list of issues included in this
6 election constitutes an act of voter fraud and is a felony under Georgia law.'

7 (k) Any other provision of law to the contrary notwithstanding, in the event there is no
8 opposed candidate in a precinct in a special or general election, no special or general
9 election shall be held in such precinct ~~unless a write-in candidate has qualified as provided~~
10 ~~by law or~~ unless there are issues to be submitted to the electorate. Each such unopposed
11 candidate shall be deemed to have voted for himself or herself. Where feasible, the
12 superintendent shall provide notice reasonably calculated to inform the affected electorate
13 that no special or general election is to be conducted. The superintendent shall certify such
14 unopposed candidate as elected in the same manner as he or she certifies other candidates
15 as elected pursuant to Code Section 21-2-493.

16 21-2-325.1.

17 If two or more candidates for the same ~~nomination or~~ office shall have the same or similar
18 names, the Secretary of State, in the case of federal or state offices, the superintendent of
19 elections, in the case of county offices, or the official with whom such candidates qualify,
20 in the case of municipal elections, shall print or cause to be printed the residence address
21 of all candidates for such ~~nomination or~~ office on the ballot labels under their names. The
22 designated official shall determine whether the names of the candidates are of such a
23 similar nature as to warrant printing the residence address of all candidates for that office
24 on the ballot labels; and the decision of the designated official shall be conclusive.

26 21-2-326.

27 (a) If ballot labels for a precinct at which a voting machine is to be used are not delivered
28 to the poll officers as required by this chapter, the chief manager of such precinct shall
29 cause other labels to be prepared, printed, or written, as nearly in the form of official ballot
30 labels as practicable; and the poll officers shall cause the labels, so substituted, to be used
31 at the primary or election, in the same manner, as nearly as may be, as the official labels.
32 Such labels, so substituted, shall be known as unofficial ballot labels.

33 (b) If any voting machine shall become out of order during a primary or election and repair
34 or substitution cannot be made, paper ballots, either printed or written, and of any suitable
35 form, may be used for the taking of votes.

1 21-2-327.

2 (a) The superintendent of each county or municipality shall cause the proper ballot labels
3 to be placed on each voting machine which is to be used in any precinct within such county
4 or municipality, cause each machine to be placed in proper order for voting, examine each
5 machine before it is sent out to a polling place, see that each registering counter on each
6 machine is set at zero, lock each machine so that the counting machinery cannot be
7 operated, and seal each machine with a numbered seal. ~~The superintendent or his or her~~
8 ~~agent shall adjust each machine to be used at a primary, so that the poll officers may lock~~
9 ~~it on primary day, in such a way that each elector can vote only for the candidates seeking~~
10 ~~nomination by the political party in whose primary he or she is then voting and so that no~~
11 ~~elector can vote for the candidates seeking nomination by any political party in whose~~
12 ~~primary he or she is not then voting.~~

13 (b) The superintendent shall appoint one custodian of voting machines and such deputy
14 custodians as may be necessary, whose duty it shall be to prepare the machines to be used
15 in the county at the primaries and elections to be held therein. Each custodian and deputy
16 custodian shall receive from the county or municipality such compensation as shall be fixed
17 by the governing authority of the county or municipality. Such custodian shall, under the
18 direction of the superintendent, have charge of and represent the superintendent during the
19 preparation of the voting machines as required by this chapter, and he or she and the deputy
20 custodians, whose duty it shall be to assist him or her in the discharge of his or her duties,
21 shall serve at the pleasure of the superintendent. Each custodian shall take an oath of office
22 framed by the Secretary of State, which shall be filed with the superintendent.

23 (c) On or before the twelfth day preceding a primary or election, including special
24 primaries, special elections, and referendum elections, the superintendent shall mail to the
25 foreperson of the grand jury, the chairperson of the county executive committee of each
26 political party which shall be entitled under existing laws to participate in primaries within
27 the county, and to the chairperson or presiding officer of any organization of citizens within
28 the county having as its purpose or among its purposes the investigation or prosecution of
29 primary and election frauds, which has registered its name and address and the names of
30 its principal officers with the superintendent at least 30 days before such primary or
31 election, ~~and, in the case of an election, to the appropriate committee of each political body~~
32 ~~which shall be entitled to have the names of its candidates entered on the voting machines,~~
33 and to each independent candidate who shall be entitled to have his or her name printed on
34 the voting machines, a written notice stating the times when and the place or places where
35 preparation of the machines for use in the several precincts in the county will be started.
36 The grand jury shall appoint a committee, consisting of three of its members, which shall
37 inspect the machines and see that the machines are properly prepared and are placed in

1 proper condition and order for use. In the event the committee of the grand jury fails to be
2 present, the superintendent shall immediately appoint a panel consisting of three electors
3 to perform the duties of the committee of the grand jury set forth in this Code section.
4 Further, one representative of each political party or body, certified by the chairperson of
5 such political party or body, and one representative of each aforementioned organization
6 of citizens, certified by the chairperson or presiding officer of such organization, and any
7 such independent candidate or his or her certified agent shall be entitled to be present
8 during the preparation of the machines and to see that the machines are properly prepared
9 and are placed in proper condition and order for use. Such committee of the grand jury,
10 representatives, or candidates shall not, however, interfere with the preparation of the
11 machines; and the superintendent may make such reasonable rules and regulations
12 concerning the conduct of such representatives and candidates.

13 (d) The custodian and deputy custodians of voting machines and the members of the
14 committee of the grand jury, if any, shall make an affidavit, which each shall sign, and
15 request each representative of a party, body, or a citizens' organization, or candidate or his
16 or her agent present at the preparation of the machine to attest, and which shall be filed
17 with the superintendent, or in the case of a municipal election or primary, the city clerk,
18 stating:

19 (1) The identifying number or other designation of the voting machine;

20 (2) That each registering counter on the machine was set at zero;

21 (3) The number registered on the protective counter or other device of the machine; and

22 (4) The number on the seal with which the machine is sealed.

23 (e) No superintendent nor custodian nor other employee of the superintendent shall, in any
24 way, prevent free access to and examination of all voting machines which are to be used
25 at the primary or election by any of the duly appointed representatives or candidates
26 aforesaid; and the superintendent and his or her employees shall afford to each such
27 representative or candidate every facility for the examination of all registering counters,
28 protective counters, and public counters of each and every voting machine.

29 (f) In every primary or election, the superintendent shall furnish, at the expense of the
30 county or municipality, all ballot labels, forms of certificates, and other papers and supplies
31 which are required under this chapter and which are not furnished by the Secretary of State,
32 all of which shall be in the form and according to the specifications prescribed from time
33 to time by the Secretary of State. In the case of a municipal primary, ballot labels and other
34 materials necessary for the preparation of the voting machines shall be furnished free of
35 charge to the municipal superintendent by the political party conducting such primary.

21-2-328.

(a) The superintendent shall deliver the proper voting machine or voting machines, properly furnished with ballot labels, to the polling places of the respective precincts at least one hour before the time set for opening the polls at each primary or election and shall cause each machine to be set up in the proper manner for use in voting. Each machine shall then remain sealed until the examination immediately preceding the opening of the polls prescribed by this chapter.

(b) The superintendent shall provide ample protection against molestation of and injury to the voting machine and, for that purpose, shall call upon any law enforcement officer to furnish such assistance as may be necessary; and it shall be the duty of the law enforcement officer to furnish such assistance when so requested by the superintendent.

(c) The superintendent shall furnish for each voting machine at least one hour before the opening of the polls:

(1) A lamp which shall give sufficient light to enable electors, while in the voting machine booth, to read the ballot labels, and which shall be suitable for the use of poll officers in examining the counters; and the lamp shall be prepared and in good order for use before the opening of the polls;

(2) Two diagrams, of suitable size, representing such part of the face of such voting machine as will be in use in the primary or election and accompanied by directions for voting on the machine; and such diagrams shall be posted prominently outside the enclosed space within the polling place; and

(3) A seal for sealing the machine after the polls are closed; an envelope for the return of the keys, if the construction of the voting machine shall permit their separate return; and such other election materials and supplies as may be necessary or as may be required by law.

21-2-329.

The superintendent shall deliver the keys which unlock the operating mechanism and the registering counters or counter compartment of the voting machine to the chief manager not later than one hour before the time set for the opening of the polls and shall take his or her receipt therefor. The keys shall be enclosed in a sealed envelope on which shall be written or printed:

(1) The number of the voting machine;

(2) The designation of the precinct;

(3) The number of the seal; and

(4) The number registered on the protective counter or device as reported by the custodian;

1 provided, however, that, if the type of voting machine used requires the simultaneous use
2 of three keys to unlock the registering counters or counter compartment, only two of the
3 said keys shall be enclosed in such sealed envelope, the third key being retained by the
4 custodian or the superintendent.

5 21-2-330.

6 (a) During the 30 days next preceding a general primary or election or during the ten days
7 next preceding a special primary or election, other than in the case of municipal primaries
8 and elections, and during the five days preceding a municipal general primary or election
9 or during the three days preceding a municipal special primary or election, the
10 superintendent shall place on public exhibition, in such public places and at such times as
11 he or she may deem most suitable for the information and instruction of the electors, one
12 or more voting machines containing the ballot labels and showing the offices and questions
13 to be voted upon, ~~the names and arrangements of parties and bodies~~, and, so far as
14 practicable, the names and arrangements of the candidates to be voted for. Such machine
15 or machines shall be under the charge and care of a person competent as custodian and
16 instructor. No voting machine which is to be assigned for use in a primary or election shall
17 be used for such public exhibition and instruction after having been prepared and sealed
18 for the primary or election.

19 (b) During such public exhibition and instruction, the counting mechanism of the voting
20 machine shall be concealed from view and the doors or cover concealing the same shall be
21 opened, if at all, only temporarily and only upon written authorization from the
22 superintendent.

23 (c) Prior to any primary or election, the superintendent may cause copies of any diagram
24 or diagrams required to be furnished with voting machines at polling places to be made,
25 either in full size or in reduced size, and to be posted, published, advertised, or distributed
26 among the electors in such manner as he or she may deem desirable.

27 21-2-331.

28 (a) The superintendent, or in the case of municipal primaries or elections, the governing
29 authority, shall designate a person or persons who shall have the custody of the voting
30 machines of the county or municipality and the keys therefor when the machines are not
31 in use at a primary or election and shall provide for his or her compensation and for the safe
32 storage and care of the machines and keys.

33 (b) All voting machines, when not in use, shall be properly covered and stored in a suitable
34 place or places.

21-2-332.

In precincts in which voting machines are used, the superintendent may, in his or her discretion, procure and provide portable polling facilities of adequate size for any or all of such precincts.

21-2-333.

The governing authority of any county or municipality which adopts voting machines in a manner provided for by this article shall, upon the purchase of voting machines, provide for their payment by the county or municipality. Bonds or other evidence of indebtedness may be issued in accordance with the provisions of law relating to the increase of indebtedness of counties or municipalities to meet all or any part of the cost of the voting machines.

21-2-334.

If a method of ~~nomination or~~ election for any candidate or office, or of voting on any question is prescribed by law, in which the use of voting machines is not possible or practicable, or in case, at any primary or election, the number of candidates seeking ~~nomination or nominated for~~ any office renders the use of voting machines for such office at such primary or election impracticable, or if, for any other reason, at any primary or election the use of voting machines wholly or in part is not practicable, the superintendent may arrange to have the voting for such candidates or offices or for such questions conducted by paper ballots. In such cases, paper ballots shall be printed for such candidates, offices, or questions, and the primary or election shall be conducted by the poll officers, and the ballots shall be counted and return thereof made in the manner required by law for such ~~nominations~~, offices, or questions, insofar as paper ballots are used.

PART 3

~~21-2-350 through 21-2-364.~~

Reserved.

PART 4

21-2-365.

No optical scanning voting system shall be adopted or used unless it shall, at the time, satisfy the following requirements:

(1) It shall provide facilities for voting for such candidates as may be ~~nominated~~ qualified and upon such questions as may be submitted;

(2) It shall permit each elector, in one operation per ballot, to vote for all the candidates of one party or body for presidential electors;

~~(3) Except as provided in paragraph (2) of this Code section for presidential electors, it shall permit each elector, at other than primaries, to vote a ticket selected from the nominees of any and all parties or bodies, from independent nominations, and from persons not in nomination~~ Reserved;

(4) It shall permit each elector to vote, at any election, for any person and for any office for whom and for which he or she is lawfully entitled to vote, ~~whether or not the name of such person or persons appears upon a ballot as a candidate for election~~; to vote for as many persons for an office as he or she is entitled to vote for; and to vote for or against any question upon which he or she is entitled to vote;

(5) An optical scanning tabulator shall preclude the counting of votes for any candidate or upon any question for whom or upon which an elector is not entitled to vote; shall preclude the counting of votes for more persons for any office than he or she is entitled to vote for; and shall preclude the counting of votes for any candidate for the same office or upon any question more than once;

(6) It shall permit voting in absolute secrecy so that no person can see or know for whom any other elector has voted or is voting, save an elector whom he or she has assisted or is assisting in voting, as prescribed by law;

(7) It shall be constructed of material of good quality in a neat and workmanlike manner;

(8) It shall, when properly operated, record correctly and accurately every vote cast;

(9) It shall be so constructed that an elector may readily learn the method of operating it; and

(10) It shall be safely transportable.

21-2-366.

The governing authority of any county or municipality may, at any regular meeting or at a special meeting called for the purpose, by a majority vote authorize and direct the use of optical scanning voting systems for recording and computing the vote at elections held in the county or municipality. If so authorized and directed, the governing authority shall purchase, lease, rent, or otherwise procure optical scanning voting systems conforming to the requirements of this part.

1 21-2-367.

2 (a) When the use of optical scanning voting systems has been authorized in the manner
3 prescribed in this part, such optical scanning voting systems shall be installed, either
4 simultaneously or gradually, within the county or municipality. Upon the installation of
5 optical scanning voting systems in any precinct, the use of paper ballots or other voting
6 machines or apparatus therein shall be discontinued, except as otherwise provided by this
7 chapter.

8 (b) In each precinct in which optical scanning voting systems are used, the governing
9 authority shall provide at least one voting booth or enclosure for each 200 electors therein,
10 or fraction thereof.

11 (c) Optical scanning voting systems of different kinds may be used for different precincts
12 in the same county or municipality.

13 (d) The governing authority shall provide optical scanning voting systems in good working
14 order and of sufficient capacity to accommodate the names of a reasonable number of
15 candidates for all ~~party offices and nominations and~~ public offices which, under the
16 provisions of existing laws and party rules, are likely to be voted for at any future primary
17 or election.

18 21-2-368.

19 (a) Any person or organization owning, manufacturing, or selling, or being interested in
20 the manufacture or sale of, any optical scanning voting system may request the Secretary
21 of State to examine the optical scanning voting system. Any ten or more electors of this
22 state may, at any time, request the Secretary of State to reexamine any optical scanning
23 voting system previously examined and approved by him or her. Before any such
24 examination or reexamination, the person, persons, or organization requesting such
25 examination or reexamination shall pay to the Secretary of State the reasonable expenses
26 of such examination. The Secretary of State may, at any time, in his or her discretion,
27 reexamine any optical scanning voting system.

28 (b) The Secretary of State shall thereupon examine or reexamine such optical scanning
29 voting system and shall make and file in his or her office a report, attested by his or her
30 signature and the seal of his or her office, stating whether, in his or her opinion, the kind
31 of optical scanning voting system so examined can be safely and accurately used by
32 electors at primaries and elections as provided in this chapter. If this report states that the
33 optical scanning voting system can be so used, the optical scanning voting system shall be
34 deemed approved; and optical scanning voting systems of its kind may be adopted for use
35 at primaries and elections as provided in this chapter.

(c) No kind of optical scanning voting system not so approved shall be used at any primary or election and if, upon the reexamination of any optical scanning voting system previously approved, it shall appear that the optical scanning voting system so reexamined can no longer be safely or accurately used by electors at primaries or elections as provided in this chapter because of any problem concerning its ability to accurately record or tabulate votes, the approval of the same shall immediately be revoked by the Secretary of State; and no such optical scanning voting system shall thereafter be purchased for use or be used in this state.

(d) At least ten days prior to any primary or election, including special primaries, special elections, and referendum elections, the election superintendent shall verify and certify in writing to the Secretary of State that all voting will occur on equipment certified by the Secretary of State.

(e) Any vendor who completes a sale of optical scanning voting system that has not been certified by the Secretary of State to a governmental body in this state shall be subject to a penalty of \$100,000.00, payable to the State of Georgia, plus reimbursement of all costs and expenses incurred by the governmental body in connection with the sale. The State Election Board shall have authority to impose such penalty upon a finding that such a sale has occurred.

(f) When an optical scanning voting system has been so approved, no improvement or change that does not impair its accuracy, efficiency, or capacity shall render necessary a reexamination or reapproval of the optical scanning voting system, or of its kind.

(g) Neither the Secretary of State, nor any custodian, nor the governing authority of any county or municipality or a member of such authority nor any other person involved in the examination process shall have any pecuniary interest in any optical scanning voting system or in the manufacture or sale thereof.

21-2-369.

(a) The ballots shall be printed in black ink upon clear, white, or colored material, of such size and arrangement as will suit the construction of the optical scanner, and in plain, clear type so as to be easily readable by persons with normal vision; provided, however, that red material shall not be used except that all ovals appearing on the ballot to indicate where a voter should mark to cast a vote may be printed in red ink.

(b) The arrangement of offices, names of candidates, and questions upon the ballots shall conform as nearly as practicable to this chapter for the arrangement of same on paper ballots; provided, however, that such form may be varied in order to present a clear presentation of candidates and questions to the electors.

(c) The form and arrangement of ballots shall be prescribed by the Secretary of State and prepared by the superintendent.

21-2-369.1.

If two or more candidates for the same ~~nomination or~~ office shall have the same or similar names, the Secretary of State, in the case of federal or state offices, the superintendent of elections, in the case of county offices, or the official with whom such candidates qualify, in the case of municipal elections, shall print or cause to be printed the residence of all candidates for such ~~nomination or~~ office on the ballot under their names. The designated official shall determine whether the names of the candidates are of such a similar nature as to warrant printing the residence of all candidates for that office on the ballot; and the decision of the designated official shall be conclusive.

21-2-370.

Reserved.

21-2-371.

(a) If ballots for a precinct at which an optical scanning voting system is to be used shall not be delivered to the poll officers as required by this chapter, the chief manager of such precinct shall cause other ballots to be prepared, printed, or written, as nearly in the form of official ballots as practicable; and the poll officers shall cause the ballots, so substituted, to be used at the primary or election, in the same manner, as nearly as may be, as the official ballots. Such ballots, so substituted, shall be known as unofficial ballots.

(b) If any optical scanning voting system being used in any primary or election shall become out of order during such primary or election, it shall, if possible, be repaired or another optical scanning voting system substituted by the custodian or superintendent as promptly as possible, for which purpose the governing authority of the county or municipality may purchase as many extra optical scanning voting systems as it may deem necessary; but, in case such repair or substitution cannot be made, the ballots may be voted manually.

21-2-372.

Ballots shall be of suitable design, size, and stock to permit processing by a tabulating machine and shall be printed in black ink on clear, white, or colored material. In counties using a central count tabulating system, a serially numbered strip shall be attached to each ballot in a manner and form similar to that prescribed in this chapter for paper ballots.

1 21-2-373.

2 ~~In elections, electors shall be permitted to cast write-in votes. The design of the ballot shall~~
3 ~~permit the superintendents, in counting the write-in votes, to determine readily whether an~~
4 ~~elector has cast any write-in vote not authorized by law. The Secretary of State, in~~
5 ~~specifying the form of the ballot, and the State Election Board, in promulgating rules and~~
6 ~~regulations respecting the conduct of elections, shall provide for ballot secrecy in~~
7 ~~connection with write-in votes. Reserved.~~

8 21-2-374.

9 (a) The superintendent of each county or municipality shall order the proper programming
10 to be placed in each tabulator used in any precinct or central tabulating location.

11 (b) On or before the third day preceding a primary or election, including special primaries,
12 special elections, and referendum elections, the superintendent shall have the optical
13 scanning tabulators tested to ascertain that they will correctly count the votes cast for all
14 offices and on all questions. Public notice of the time and place of the test shall be made
15 at least five days prior thereto. Representatives of political parties and bodies, candidates,
16 news media, and the public shall be permitted to observe such tests. The test shall be
17 conducted by processing a preaudited group of ballots so marked as to record a
18 predetermined number of valid votes for each candidate and on each question and shall
19 include for each office one or more ballots which are improperly marked and one or more
20 ballots which have votes in excess of the number allowed by law in order to test the ability
21 of the optical scanning tabulator to reject such votes. The optical scanning tabulator shall
22 not be approved unless it produces an errorless count. If any error is detected, the cause
23 therefor shall be ascertained and corrected; and an errorless count shall be made before the
24 tabulator is approved. The superintendent shall cause the pretested tabulators to be placed
25 at the various polling places to be used in the primary or election. The superintendent shall
26 require that each optical scanning tabulator be thoroughly tested and inspected prior to each
27 primary and election in which it is used and shall keep such tested material as certification
28 of an errorless count on each tabulator. In counties using central count optical scanning
29 tabulators, the same test shall be repeated immediately before the start of the official count
30 of the ballots and at the conclusion of such count. Precinct tabulators shall produce a zero
31 tape prior to any ballots being inserted on the day of any primary or election.

32 (c) In every primary or election, the superintendent shall furnish, at the expense of the
33 county or municipality, all ballots, forms of certificates, and other papers and supplies
34 required under this chapter and which are not furnished by the Secretary of State, all of
35 which shall be in the form and according to the specifications prescribed, from time to time,
36 by the Secretary of State.

1 21-2-375.

2 (a) In counties using precinct count optical scanning tabulators, the superintendent shall
3 deliver the proper optical scanning tabulator to the polling places at least one hour before
4 the time set for opening of the polls at each primary or election and shall cause each to be
5 set up in the proper manner for use in voting.

6 (b) The superintendent shall provide ample protection against molestation of and injury
7 to the optical scanning tabulator and, for that purpose, shall call upon any law enforcement
8 officer to furnish such assistance as may be necessary; and it shall be the duty of the law
9 enforcement officer to furnish such assistance when so requested by the superintendent.

10 (c) The superintendent shall at least one hour before the opening of the polls:

11 (1) Provide sufficient lighting to enable electors, while in the voting booth, to read the
12 ballot, which lighting shall be suitable for the use of poll officers in examining the booth;
13 and such lighting shall be in good working order before the opening of the polls;

14 (2) Prominently post directions for voting on the optical scanning ballot within the voting
15 booth; at least two sample ballots in use for the primary or election shall be posted
16 prominently outside the enclosed space within the polling place;

17 (3) Ensure that the precinct count optical scanning tabulator shall have a seal securing
18 the memory pack in use throughout the election day; such seal shall not be broken unless
19 the tabulator is replaced due to malfunction; and

20 (4) Provide such other materials and supplies as may be necessary or as may be required
21 by law.

22 21-2-376.

23 During the 30 days next preceding a general primary or election or during the ten days next
24 preceding a special primary or election, the superintendent shall place on public exhibition,
25 in such public places and at such times as he or she may deem most suitable for the
26 information and instruction of the electors, one or more sets of sample ballots that will be
27 used in such election. The sample ballots shall show the offices and questions to be voted
28 upon, the names and arrangements of parties and bodies, and the names and arrangements
29 of the candidates to be voted for. Such ballots shall be under the charge and care of a
30 person competent as an instructor.

31 21-2-377.

32 (a) The superintendent shall designate a person or persons who shall have custody of the
33 optical scanning tabulators of the county or municipality when they are not in use at a
34 primary or election and shall provide for his or her compensation and for the safe storage
35 and care of the optical scanning tabulators.

(b) All optical scanning tabulators, when not in use, shall be properly covered and stored in a suitable place or places.

21-2-378.

The governing authority of any county or municipality which adopts optical scanning voting systems in the manner provided for by this part shall, upon the purchase of optical scanning voting systems, provide for their payment by the county or municipality. Bonds or other evidence of indebtedness may be issued in accordance with the provisions of law relating to the increase of indebtedness of counties or municipalities to meet all or any part of the cost of the optical scanning voting systems.

21-2-379.

If a method of ~~nomination~~ or election for any candidate or office, or of voting on any question is prescribed by law, in which the use of optical scanning voting systems is not possible or practicable, or in case, at any primary or election, the number of candidates seeking ~~nomination or nominated~~ for any office renders the use of optical scanning voting systems for such office at such primary or election impracticable, or if, for any other reason, at any primary or election the use of optical scanning voting systems wholly or in part is not practicable, the superintendent may arrange to have the voting for such candidates or offices or for such questions conducted by any other lawful method authorized in this chapter. In such cases, appropriate ballots shall be printed for such candidates, offices, or questions, and the primary or election shall be conducted by the poll officers, and the ballots shall be counted and return thereof made in the manner required by law for such method.

PART 5

21-2-379.1.

No direct electronic recording voting system shall be adopted or used unless it shall, at the time, satisfy the following requirements:

(1) It shall provide facilities for voting for such candidates as may be ~~nominated~~ qualified and upon such questions as may be submitted;

(2) It shall permit each elector, in one operation, to vote for all the candidates of one party or body for presidential electors;

(3) ~~Except as provided in paragraph (2) of this Code section for presidential electors, it shall permit each elector, at other than primaries, to vote a ticket selected from the~~

~~nominees of any and all parties or bodies, from independent nominations, and from persons not in nomination~~ Reserved;

(4) It shall permit each elector to vote, at any election, for any person and for any office for whom and for which he or she is lawfully entitled to vote, ~~whether or not the name of such person or persons appears as a candidate for election~~; to vote for as many persons for an office as he or she is entitled to vote for; and to vote for or against any question upon which he or she is entitled to vote;

(5) It shall preclude the counting of votes for any candidate or upon any question for whom or upon which an elector is not entitled to vote; shall preclude the counting of votes for more persons for any office than he or she is entitled to vote for; and shall preclude the counting of votes for any candidate for the same office or upon any question more than once;

(6) It shall permit voting in absolute secrecy so that no person can see or know for whom any other elector has voted or is voting, save an elector whom he or she has assisted or is assisting in voting, as prescribed by law;

(7) It shall be constructed of material of good quality in a neat and workmanlike manner;

(8) It shall, when properly operated, record correctly and accurately every vote cast;

(9) It shall be so constructed that an elector may readily learn the method of operating it; and

(10) It shall be safely transportable.

21-2-379.2.

(a) Any person or organization owning, manufacturing, or selling, or being interested in the manufacture or sale of, any direct electronic recording voting system may request the Secretary of State to examine the system. Any ten or more electors of this state may, at any time, request the Secretary of State to reexamine any such system previously examined and approved by him or her. Before any such examination or reexamination, the person, persons, or organization requesting such examination or reexamination shall pay to the Secretary of State the reasonable expenses of such examination. The Secretary of State may, at any time, in his or her discretion, reexamine any such system.

(b) The Secretary of State shall thereupon examine or reexamine such direct electronic recording voting system and shall make and file in his or her office a report, attested by his or her signature and the seal of his or her office, stating whether, in his or her opinion, the kind of system so examined can be safely and accurately used by electors at primaries and elections as provided in this chapter. If this report states that the system can be so used, the system shall be deemed approved; and systems of its kind may be adopted for use at primaries and elections as provided in this chapter.

(c) No kind of direct electronic recording voting system not so approved shall be used at any primary or election and if, upon the reexamination of any such system previously approved, it shall appear that the system so reexamined can no longer be safely or accurately used by electors at primaries or elections as provided in this chapter because of any problem concerning its ability to accurately record or tabulate votes, the approval of the same shall immediately be revoked by the Secretary of State; and no such system shall thereafter be purchased for use or be used in this state.

(d) At least ten days prior to any primary or election, including special primaries, special elections, and referendum elections, the election superintendent shall verify and certify in writing to the Secretary of State that all voting will occur on equipment certified by the Secretary of State.

(e) Any vendor who completes a sale of a direct electronic voting system that has not been certified by the Secretary of State to a governmental body in this state shall be subject to a penalty of \$100,000.00, payable to the State of Georgia, plus reimbursement of all costs and expenses incurred by the governmental body in connection with the sale. The State Election Board shall have authority to impose such penalty upon a finding that such a sale has occurred.

(f) When a direct electronic recording voting system has been so approved, no improvement or change that does not impair its accuracy, efficiency, or capacity shall render necessary a reexamination or reapproval of such system, or of its kind.

(g) Neither the Secretary of State, nor any custodian, nor the governing authority of any county or municipality or a member of such authority nor any other person involved in the examination process shall have any pecuniary interest in any direct electronic recording voting system or in the manufacture or sale thereof.

21-2-379.3.

(a) The state shall furnish a uniform system of direct recording electronic (DRE) equipment for use in each county by 2004. The governing authority of a municipality may elect to acquire its own DRE equipment by purchase, lease, rental, or other procurement process at its own expense. The governing authority of a county may purchase, lease, or otherwise acquire more of the type of DRE equipment furnished by the state, if the governing authority so desires, at its own expense.

(b) The governing authority of a municipality or a county desiring to acquire such equipment may at any regular meeting or at a special meeting called for the purpose, by a majority vote, authorize and direct the acquisition of such equipment. Bonds or other evidence of indebtedness may be issued in accordance with the provisions of law relating

1 to the increase of indebtedness of counties and municipalities to meet all or any part of the
2 cost of such DRE voting systems.

3 21-2-379.4.

4 (a) The ballots for direct recording electronic (DRE) voting systems shall be of such size
5 and arrangement as will suit the construction of the DRE screen and shall be in plain, clear
6 type that is easily readable by persons with normal vision. If the equipment has the
7 capacity for color display, the names of all candidates in a particular race shall be displayed
8 in the same color, font, and size and the political party or body affiliation of candidates may
9 be displayed in a color different from that used to display the names of the candidates, but
10 all political party or body affiliations shall be displayed in the same color. All candidates'
11 names and political parties shall be printed in the same size and font. All ballot questions
12 and constitutional amendments shall be displayed in the same color.

13 (b) The arrangement of offices, names of candidates, and questions upon the ballots shall
14 conform as nearly as practicable to this chapter for the arrangement of such offices, names
15 of candidates, and questions on paper ballots.

16 ~~(c) Electors shall be permitted to cast write-in votes on DRE voting systems as provided~~
17 ~~in Code Section 21-2-133. The design of the ballot shall permit the election superintendent~~
18 ~~and poll workers when obtaining the vote count from such systems to determine readily~~
19 ~~whether an elector has cast any write-in vote not authorized by law. Reserved.~~

20 (d) The form and arrangement of ballots shall be prescribed by the Secretary of State and
21 prepared by the election superintendent.

22 21-2-379.5.

23 (a) If two or more candidates for the same ~~nomin~~ation or office shall have the same or
24 similar names, the Secretary of State, in the case of federal or state offices, the
25 superintendent of elections, in the case of county offices, or the official with whom such
26 candidates qualify, in the case of municipal elections, shall print or cause to be printed the
27 residence of all candidates for such ~~nomin~~ation or office on the ballot under their names.
28 The designated official shall determine whether the names of the candidates are of such a
29 similar nature as to warrant printing the residence of all candidates for that office on the
30 ballot; and the decision of the designated official shall be conclusive.

31 ~~(b) The ballot for each candidate or group of candidates nominated by a political party or~~
32 ~~body shall display the name or designation of the political party or body Reserved.~~

33 (c) The incumbency of a candidate seeking election for the public office he or she then
34 holds shall be indicated on the ballot.

~~(d) Unless a candidate has filed with his or her nominating petition a certificate from a political party or body attesting that such candidate is the nominee of such party or body by virtue of having been nominated in a duly constituted party or body convention, the candidate's name shall appear on the ballot as an independent~~ Reserved.

(e) When presidential electors are to be elected, the ballot shall not list the individual names of the candidates for presidential electors but shall list the names of each political party and body and the names of the political party or body candidates for the office of President and Vice President. The individual names or the nominees of each political party or body for such offices shall be posted at each polling place with the sample ballots required by subsection (d) of Code Section 21-2-379.7 arranged alphabetically under the names of the candidates of the party or body for President and Vice President of the United States. A vote for the candidates for President and Vice President of a political party or body shall be deemed to be a vote for each of the candidates for presidential electors of such political party or body.

(f) When proposed constitutional amendments or other questions are submitted to a vote of the electors, each amendment or other question so submitted may be printed upon the ballot below the groups of candidates for the various offices. Proposed constitutional amendments so submitted shall be printed in the order determined by the Constitutional Amendments Publication Board and in brief form as directed by the General Assembly or, in the event of a failure to so direct, the form shall be determined by the Secretary of State and shall include the short title or heading provided for in subsection (c) of Code Section 50-12-101. Unless otherwise provided by law, any other state-wide questions so submitted shall be printed in brief form as directed by the General Assembly or, in the event of a failure to so direct, the form shall be determined by the Secretary of State; and any local questions so submitted shall be printed in brief form as directed by the General Assembly or, in the event of a failure to so direct, the form shall be determined by the superintendent. Next to or below the question there shall be placed the words 'YES' and 'NO' between which the elector may choose in casting his or her vote.

(g) The ballots shall vary in form only as the names of precincts, offices, candidates, or this chapter may require.

21-2-379.6.

(a) The superintendent of each county or municipality shall cause the proper ballot design and style to be programmed for each direct recording electronic (DRE) unit which is to be used in any precinct within such county or municipality, cause each such unit to be placed in proper order for voting, examine each unit before it is sent to a polling place, verify that

1 each registering mechanism is set at zero, and properly secure each unit so that the counting
2 machinery cannot be operated until later authorized.

3 (b) The superintendent may appoint, with the approval of the governing authority, a
4 custodian of the DRE units, and deputy custodians as may be necessary, whose duty shall
5 be to prepare the units to be used in the county at the primaries and elections to be held
6 therein. Each custodian and deputy custodian shall receive from the county or municipality
7 such compensation as shall be fixed by the governing authority of the county or
8 municipality. Such custodian shall, under the direction of the superintendent, have charge
9 of and represent the superintendent during the preparation of the units as required by this
10 chapter. The custodian and deputy custodians shall serve at the pleasure of the
11 superintendent. Each custodian shall take an oath of office prepared by the Secretary of
12 State before each primary or election which shall be filed with the superintendent.

13 (c) On or before the third day preceding a primary or election, including special primaries,
14 special elections, and referendum elections, the superintendent shall have each DRE unit
15 tested to ascertain that it will correctly count the votes cast for all offices and on all
16 questions in a manner that the State Election Board shall prescribe by rule or regulation.

17 ~~On or before the third day preceding a primary runoff or election runoff, including special~~
18 ~~primary runoffs and special election runoffs, the superintendent shall test a number of DRE~~
19 ~~units at random to ascertain that the units will correctly count the votes cast for all offices.~~

20 If the total number of DRE units in the county is 30 units or less, all of the units shall be
21 tested. If the total number of DRE units in the county is more than 30 but not more than
22 100, then at least one-half of the units shall be tested at random. If there are more than 100
23 DRE units in the county, the superintendent shall test at least 15 percent of the units at
24 random. In no event shall the superintendent test less than one DRE unit per precinct. ~~All~~
25 ~~memory cards to be used in the runoff shall be tested.~~ Public notice of the time and place
26 of the test shall be made at least five days prior thereto. Representatives of political parties
27 and bodies, news media, and the public shall be permitted to observe such tests.

28 (d) In every primary or election, the superintendent shall furnish, at the expense of the
29 county or municipality, all ballots, forms of certificates, and other papers and supplies
30 required under this chapter which are not furnished by the Secretary of State, all of which
31 shall be in the form and according to any specifications prescribed, from time to time, by
32 the Secretary of State.

33 21-2-379.7.

34 (a) The superintendent or the custodians shall deliver the proper direct recording electronic
35 (DRE) units to the polling places of the respective precincts at least one hour before the

1 time for opening the polls at each primary or election and shall cause each unit to be set up
2 in the proper manner for use in voting.

3 (b) The superintendent shall require that each DRE unit be thoroughly tested, inspected,
4 and sealed prior to the delivery of each DRE unit to the polling place. Prior to opening the
5 polls each day on which the units will be used in a primary or election, the manager shall
6 break the seal on each unit, turn on each unit, certify that each unit is operating properly
7 and is set to zero, and print a zero tape certifying that each unit is set to zero and shall keep
8 or record such certification on each unit.

9 (c) The superintendent and poll managers shall provide ample protection against
10 molestation of and injury to the DRE units, and, for that purpose, the superintendent and
11 poll manager may call upon any law enforcement officer to furnish such assistance as may
12 be necessary. It shall be the duty of any such law enforcement officer to furnish such
13 assistance when so requested by the superintendent or poll manager.

14 (d) The superintendent shall, at least one hour prior to the opening of the polls:

15 (1) Provide sufficient lighting to enable electors, if needed in the voting booth, to read
16 the ballot and which shall be suitable for the use of the poll officers in examining the
17 booth and conducting their responsibilities;

18 (2) Provide directions for voting on the DRE units which shall be prominently posted
19 within each voting booth and at least two sample ballots for the primary or election which
20 shall be prominently posted outside the enclosed space within the polling place;

21 (3) Ensure that each DRE unit's tabulating mechanism is secure throughout the day
22 during the primary or election;

23 (4) Provide at least one DRE unit accessible to disabled electors at each precinct; and

24 (5) Provide such other materials and supplies as may be necessary or required by law.

25 21-2-379.8.

26 (a) The superintendent or his or her designee shall place on public exhibition and
27 demonstrate the use of the direct recording electronic (DRE) units throughout the county
28 or municipality during the month preceding each primary and election. The Secretary of
29 State shall advise the superintendents on recommended methods of demonstrating such
30 units so as to properly educate electors in the use thereof, and, at least during the initial
31 year in which DRE equipment is used in a county or municipality, all superintendents shall
32 offer a series of demonstrations and organized voter education initiatives to equip electors
33 for using such equipment in voting.

34 (b) At least 30 days before a general primary or election or during the ten days before a
35 special primary or election, the superintendent shall place on public exhibition, in such
36 public places and at such times as the superintendent shall deem most suitable for the

1 information and instruction of the electors, a sample ballot to be used in such election. The
2 sample ballot shall show the offices and questions to be voted upon, the names and
3 arrangements of the political parties and bodies, and the names and arrangements of the
4 candidates to be voted for. Such sample ballots shall be under the charge and care of a
5 person who is, in the opinion of the superintendent, competent and qualified as an
6 instructor concerning such ballots and voting procedures.

7 21-2-379.9.

8 (a) All direct recording electronic (DRE) units and related equipment, when not in use,
9 shall be properly stored and secured under conditions as shall be specified by the Secretary
10 of State.

11 (b) The superintendent shall store the units and related equipment under his or her
12 supervision or shall designate a person or entity who shall provide secure storage of such
13 units and related equipment when it is not in use at a primary or election. The
14 superintendent shall provide compensation for the safe storage and care of such units and
15 related equipment if the units and related equipment are stored by a person or entity other
16 than the superintendent.

17 21-2-379.10.

18 (a) A duly qualified elector shall cast his or her vote on a direct recording electronic (DRE)
19 unit by touching the screen or pressing the appropriate button on the unit for the candidate
20 or issue of such elector's choice. After having the opportunity to vote in all races and upon
21 all questions in which the elector is eligible to vote, the unit shall display a summary of the
22 choices which the elector has made. At that time, the elector shall also be notified of any
23 races or questions in which the elector did not make a selection and all other choices of the
24 elector shall be displayed for the elector's review. The elector shall have the opportunity
25 to change any choices which the elector made in voting the ballot and be allowed to vote
26 in those races and on those questions which the elector did not previously make a selection
27 or cast a vote, and the elector will again be presented with a summary display of his or her
28 choices.

29 (b) After the summary screen is displayed and the elector desires to make no further
30 changes to his or her votes, the elector shall be notified that he or she is about to cast the
31 ballot. The elector shall then press the appropriate button on the unit or location on the
32 screen to actually cast his or her ballot. After pressing the appropriate button on the unit
33 or location on the screen to cast the ballot, the elector's vote shall be final and shall not be
34 subsequently altered.

(c) If an elector leaves the voting booth without having pressed the appropriate button on the unit or location on the screen to finally cast his or her ballot and cannot be located to return to the booth to complete the voting process, then a poll worker shall take the steps necessary to void the ballot that was not completed by the elector and an appropriate record shall be made of such event.

21-2-379.11.

(a) In primaries and elections in which direct recording electronic (DRE) voting equipment is used, the ballots shall be counted at the precinct or tabulating center under the direction of the superintendent. All persons who perform any duties at the tabulating center shall be deputized by the superintendent and only persons so deputized shall touch any ballot, container, paper, or machine utilized in the conduct of the count or be permitted to be in the immediate area designated for officers deputized to conduct the count.

(b) All proceedings at the tabulating center and precincts shall be open to the view of the public, but no person except one employed and designated for the purpose by the superintendent or the superintendent's authorized deputy shall touch any ballot, any DRE unit, or the tabulating equipment.

(c) After the polls have closed and all voting in the precinct has ceased, the poll manager shall shut down the DRE units and extract the election results from each unit as follows:

(1) The manager shall obtain the results tape from each DRE unit and verify that the number of ballots cast as recorded on the tape matches the public count number as displayed on the DRE unit;

(2) If a system is established by the Secretary of State, the poll manager shall first transmit the election results extracted from each DRE unit in each precinct via modem to the central tabulating center of the county; and

(3) The manager shall then extract the memory card from each DRE unit.

(d) Upon completion of shutting down each DRE unit and extracting the election results, the manager shall cause to be completed and signed a ballot recap form, in sufficient counterparts, showing:

(1) The number of valid ballots;

(2) The number of spoiled and invalid ballots;

(3) The number of provisional ballots; and

(4) The number of unused provisional ballots and any other unused ballots.

The manager shall cause to be placed in the ballot supply container one copy of the recap form and any unused, defective, spoiled, and invalid ballots, each enclosed in an envelope.

(e) The manager shall collect and retain the zero tape and the results tape for each DRE unit and place such tapes with the memory card for each unit and enclose all such items for

1 all of the DRE units used in the precinct in one envelope which shall be sealed and
2 initialed by the manager so that it cannot be opened without breaking the seal.

3 (f) The manager and one poll worker shall then deliver the envelope to the tabulating
4 center for the county or municipality or to such other place designated by the
5 superintendent and shall receive a receipt therefor. The copies of the recap forms, unused
6 ballots, records, and other materials shall be returned to the designated location and
7 retained as provided by law.

8 (g) Upon receipt of the sealed envelope containing the zero tapes, results tapes, and
9 memory cards, the election superintendent shall verify the signatures on the envelope.
10 Once verified, the superintendent shall break the seal of the envelope and remove its
11 contents. The superintendent shall then download the results stored on the memory card
12 from each DRE unit into the election management system located at the central tabulation
13 point of the county in order to obtain election results for certification.

14 ARTICLE 10

15 21-2-380.

16 (a) As used in this article, the term 'absentee elector' means an elector of this state or a
17 municipality thereof who:

18 (1) Is required to be absent from his or her precinct during the time of the primary or
19 election he or she desires to vote in;

20 (2) Will perform any of the official acts or duties set forth in this chapter in connection
21 with the primary or election he or she desires to vote in;

22 (3) Because of physical disability or because of being required to give constant care to
23 someone who is physically disabled, will be unable to be present at the polls on the day
24 of such primary or election;

25 (4) Because the election or primary falls upon a religious holiday observed by such
26 elector, will be unable to be present at the polls on the day of such primary or election;

27 (5) Is required to remain on duty in his or her place of employment for the protection of
28 the health, life, or safety of the public during the entire time the polls are open when such
29 place of employment is within the precinct in which the voter resides; or

30 (6) Is 75 years of age or older.

31 (b) An elector who casts an absentee ballot in person at the registrar's office or absentee
32 ballot clerk's office during the period of Monday through Friday of the week immediately
33 preceding the date of a primary, election, or run-off primary or election shall not be
34 required to provide a reason as identified in subsection (a) of this Code section in order to
35 cast an absentee ballot in such primary, election, or run-off primary or election.

1 21-2-380.1.

2 The governing authority of a municipality shall appoint an absentee ballot clerk who may
3 be the county registrar, municipal registrar, or any other designated official and who shall
4 perform the duties set forth in this article.

5 21-2-381.

6 (a)(1) Except as otherwise provided in Code Section 21-2-219, not more than 180 days
7 prior to the date of the primary or election, ~~or runoff of either~~, in which the elector desires
8 to vote, any absentee elector may make, either by mail, by facsimile transmission, or in
9 person in the registrar's or absentee ballot clerk's office, an application for an official
10 ballot of the elector's precinct to be voted at such primary; or election, ~~or runoff~~. In the
11 case of an elector residing temporarily out of the county or municipality or a physically
12 disabled elector residing within the county or municipality, the application for the
13 elector's absentee ballot may, upon satisfactory proof of relationship, be made by such
14 elector's mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter,
15 niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law,
16 brother-in-law, or sister-in-law of the age of 18 or over. The application shall be in
17 writing and shall contain sufficient information for proper identification of the elector;
18 the permanent or temporary address of the elector to which the absentee ballot shall be
19 mailed; the identity of the primary; or election, ~~or runoff~~ in which the elector wishes to
20 vote; the reason for requesting the absentee ballot; and the name and relationship of the
21 person requesting the ballot if other than the elector. Except in the case of physically
22 disabled electors residing in the county or municipality, no absentee ballot shall be mailed
23 to an address other than the permanent mailing address of the elector as recorded on the
24 elector's voter registration record or a temporary out-of-county or out-of-municipality
25 address. Relatives applying for absentee ballots for electors must also sign an oath stating
26 that facts in the application are true. If the elector is unable to fill out or sign such
27 elector's own application because of illiteracy or physical disability, the elector shall
28 make such elector's mark, and the person filling in the rest of the application shall sign
29 such person's name below it as a witness. One timely and proper application for an
30 absentee ballot for use in a primary or election shall be sufficient to require the mailing
31 of the absentee ballot for such primary or election ~~as well as for any runoffs resulting~~
32 ~~therefrom~~ and for all primaries and elections for federal offices ~~and any runoffs~~
33 ~~therefrom~~, including presidential preference primaries, held during the period beginning
34 upon the receipt of such absentee ballot application and extending through the second
35 regularly scheduled general election in which federal candidates are on the ballot
36 occurring thereafter to an eligible absentee elector who lives outside the county or

1 municipality in which the election is held and is also a member of the armed forces of the
2 United States, a member of the merchant marine of the United States, or a spouse or
3 dependent of a member of the armed forces or the merchant marine residing with or
4 accompanying said member or overseas citizen. Any elector meeting criteria of advanced
5 age or disability specified by rule or regulation of the Secretary of State may request in
6 writing on one application a ballot for a primary ~~as well as for any runoffs resulting~~
7 ~~therefrom~~ and for the election for which such primary shall ~~nominate~~ winnow candidates
8 ~~as well as any runoffs resulting therefrom~~. If not so requested by such person a separate
9 and distinct application shall be required for each primary, ~~run-off primary, election, and~~
10 ~~run-off election~~. Except as otherwise provided in this paragraph, a separate and distinct
11 application for an absentee ballot shall always be required for the presidential preference
12 primary held pursuant to Article 5 of this chapter and for any special election or special
13 primary.

14 (2) A properly executed registration card submitted under the provisions of subsection
15 (b) of Code Section 21-2-219, if submitted within 180 days of a primary or election in
16 which the registrant is entitled to vote, shall be considered to be an application for an
17 absentee ballot under this Code section, or for a special absentee ballot under Code
18 Section 21-2-381.1, as appropriate.

19 (3) All applications for an official absentee ballot that are distributed by a person, entity,
20 or organization shall list thereon all of the legally acceptable categories of absentee
21 electors contained in Code Section 21-2-380 and shall require the elector to select the
22 category which qualifies the elector to vote by absentee ballot. No application for an
23 official absentee ballot that is physically attached to a publication that advocates for or
24 against a particular candidate, issue, political party, or political body shall be distributed
25 by any person, entity, or organization.

26 (b) Upon receipt of a timely application, a registrar or absentee ballot clerk shall enter
27 thereon the date received and shall determine if the applicant is eligible to vote in the
28 primary or election involved. In order to be found eligible to vote an absentee ballot in
29 person at the registrar's office or absentee ballot clerk's office, such person shall show one
30 of the forms of identification listed in Code Section 21-2-417. If found eligible, the
31 registrar or absentee ballot clerk shall certify by signing in the proper place on the
32 application and shall either mail the ballot as provided in this Code section or issue the
33 ballot to the elector to be voted within the confines of the registrar's or absentee ballot
34 clerk's office or deliver the ballot in person to the elector if such elector is confined to a
35 hospital. If found ineligible, the clerk or the board of registrars shall deny the application
36 by writing the reason for rejection in the proper space on the application and shall promptly
37 notify the applicant in writing of the ground of ineligibility, a copy of which notification

1 should be retained on file in the office of the board of registrars or absentee ballot clerk for
2 at least one year. If the registrar or clerk is unable to determine the identity of the elector
3 from information given on the application, the registrar or clerk should promptly write to
4 request additional information. In the case of an unregistered applicant who is eligible to
5 register to vote, the clerk or the board shall immediately mail a blank registration card as
6 provided by Code Section 21-2-223, and such applicant, if otherwise qualified, shall be
7 deemed eligible to vote by absentee ballot in such primary or election, if the registration
8 card, properly completed, is returned to the clerk or the board on or before the last day for
9 registering to vote in such primary or election. If the closing date for registration in the
10 primary or election concerned has not passed, the clerk or registrar shall also mail a ballot
11 to the applicant, as soon as it is prepared and available; and the ballot shall be cast in such
12 primary or election if returned to the clerk or board not later than the close of the polls on
13 the day of the primary or election concerned.

14 (c) In those counties or municipalities in which the absentee ballot clerk or board of
15 registrars provides application forms for absentee ballots, the clerk or board shall provide
16 such quantity of the application form to the dean of each college or university located in
17 that county as said dean determines necessary for the students of such college or university.

18 (d)(1) A citizen of the United States permanently residing outside the United States is
19 entitled to make application for an absentee ballot from Georgia and to vote by absentee
20 ballot in any election for presidential electors and United States senator or representative
21 in Congress:

22 (A) If such citizen was last domiciled in Georgia immediately before his departure
23 from the United States; and

24 (B) If such citizen could have met all qualifications, except any qualification relating
25 to minimum voting age, to vote in federal elections even though, while residing outside
26 the United States, he or she does not have a place of abode or other address in Georgia.

27 (2) An individual is entitled to make application for an absentee ballot under paragraph
28 (1) of this subsection even if such individual's intent to return to Georgia may be
29 uncertain, as long as:

30 (A) He or she has complied with all applicable Georgia qualifications and requirements
31 which are consistent with 42 U.S.C. Section 1973ff concerning absentee registration for
32 and voting by absentee ballots;

33 (B) He or she does not maintain a domicile, is not registered to vote, and is not voting
34 in any other state or election district of a state or territory or in any territory or
35 possession of the United States; and

36 (C) He or she has a valid passport or card of identity and registration issued under the
37 authority of the Secretary of State of the United States or, in lieu thereof, an alternative

1 form of identification consistent with 42 U.S.C. Section 1973ff and applicable state
2 requirements, if a citizen does not possess a valid passport or card of identity and
3 registration.

4 (e) The Secretary of State is authorized to promulgate reasonable rules and regulations for
5 the implementation of paragraph (1) of subsection (a) of this Code section. Said rules and
6 regulations may include provisions for the limitation of opportunities for fraudulent
7 application, including, but not limited to, comparison of voter registration records with
8 death certificates.

9 21-2-381.1.

10 (a) Notwithstanding any other provisions of this chapter, a qualified absentee elector, as
11 defined in Code Section 21-2-380, may apply not earlier than 180 days before an election
12 for a special write-in absentee ballot. This ballot shall be for presidential electors and
13 United States senator or representative in Congress.

14 (b) The application for a special write-in absentee ballot may be made on the federal post
15 card application form or on a form prescribed by the Secretary of State.

16 (c) In order to qualify for a special write-in absentee ballot, the voter must state that he or
17 she is unable to vote by regular absentee ballot or in person due to requirements of military
18 service or due to living in isolated areas or extremely remote areas of the world. This
19 statement may be made on the federal post card application or on a form prepared by the
20 Secretary of State and supplied and returned with the special write-in absentee ballot.

21 (d) Upon receipt of said application, the registrars shall issue the special write-in absentee
22 ballot which shall be prescribed and provided by the Secretary of State. Such ballot shall
23 permit the elector to vote by writing in a party preference for each office, the names of
24 specific candidates for each office, or the name of the person whom the voter prefers for
25 each office.

26 21-2-382.

27 (a) Any other provisions of this chapter to the contrary notwithstanding, the board of
28 registrars may establish additional sites as additional registrar's offices or places of
29 registration for the purpose of receiving absentee ballots under Code Section 21-2-381 and
30 for the purpose of voting absentee ballots under Code Section 21-2-385, provided that any
31 such site is a branch of the county courthouse, a courthouse annex, a government service
32 center providing general government services, or another government building generally
33 accessible to the public.

34 (b) Any other provisions of this chapter to the contrary notwithstanding, in all counties of
35 this state having a population of 550,000 or more or having a population between 88,000

1 and 90,000 according to the United States decennial census of 1990 or any future such
2 census, any branch of the county courthouse or courthouse annex established within any
3 such county shall be an additional registrar's office or place of registration for the purpose
4 of receiving absentee ballots under Code Section 21-2-381 and for the purpose of voting
5 absentee ballots under Code Section 21-2-385.

6 21-2-383.

7 (a) Ballots for use by absentee electors shall be prepared sufficiently in advance by the
8 superintendent and shall be delivered to the board of registrars or absentee ballot clerk as
9 provided in Code Section 21-2-384. Such ballots shall be marked 'Official Absentee Ballot'
10 and shall be in substantially the form for ballots required by Article 8 of this chapter,
11 except that in counties using voting machines or direct recording electronic (DRE) units
12 the ballots may be in substantially the form for the ballot labels required by Article 9 of this
13 chapter. Every such ballot shall have printed with other instructions thereon the following:
14 'I understand that the offer or acceptance of money or any other object of value to vote for
15 any particular candidate, list of candidates, issue, or list of issues included in this election
16 constitutes an act of voter fraud and is a felony under Georgia law.'

17 The form for either ballot shall be determined and prescribed by the Secretary of State,
18 except in municipal primaries or elections, in which the form of absentee ballots which
19 follows the paper ballot format shall be determined and prescribed by the superintendent.

20 (b) Notwithstanding any other provision of this Code section, direct recording electronic
21 voting systems may be used for casting absentee ballots in person at a registrar's office or
22 in accordance with Code Section 21-2-382, providing for additional sites. In such cases,
23 the absentee ballots shall be coded in such a way that the ballot of a challenged voter can
24 be separated from other valid ballots at the time of tabulation until the challenge is
25 resolved.

26 21-2-384.

27 (a) The superintendent shall, as soon as practicable prior to each primary or election, but
28 at least 45 days prior to any primary or general election other than a municipal primary or
29 election, and at least 21 days prior to any municipal primary or general election, prepare,
30 obtain, and deliver an adequate supply of official absentee ballots to the board of registrars
31 or absentee ballot clerk for use in the primary or election. Envelopes and other supplies as
32 required by this article may be ordered by the superintendent, the board of registrars, or the
33 absentee ballot clerk for use in the primary or election. The board of registrars or absentee
34 ballot clerk shall, within two days after the receipt of such ballots and supplies, mail or
35 issue official absentee ballots to all eligible applicants; and, as additional applicants are

determined to be eligible, the board or clerk shall mail or issue official absentee ballots to such additional applicants immediately upon determining their eligibility; provided, however, that no absentee ballot shall be mailed by the registrars or absentee ballot clerk on the day prior to a primary or election. The date a ballot is voted in the registrars' or absentee ballot clerk's office or the date a ballot is mailed to an elector and the date it is returned shall be entered on the application record therefor. The delivery of an absentee ballot to a person confined in a hospital may be made by the registrar or clerk on the day of a primary or election or during a five-day period immediately preceding the day of such primary or election. In the event an absentee ballot which has been mailed by the board of registrars or absentee ballot clerk is not received by the applicant, the applicant may notify the board of registrars or absentee ballot clerk and sign an affidavit stating that the absentee ballot has not been received. The board of registrars or absentee ballot clerk shall then issue a second absentee ballot to the applicant and cancel the original ballot issued. The affidavit shall be attached to the original application. A second application for an absentee ballot shall not be required.

(b) In addition to the mailing envelope, the superintendent, board of registrars, or absentee ballot clerk shall provide two envelopes for each official absentee ballot, of such size and shape as shall be determined by the Secretary of State, in order to permit the placing of one within the other and both within the mailing envelope. On the smaller of the two envelopes to be enclosed in the mailing envelope shall be printed the words 'Official Absentee Ballot' and nothing else. On the back of the larger of the two envelopes to be enclosed within the mailing envelope shall be printed the form of oath of the elector and the oath for persons assisting electors, as provided for in Code Section 21-2-409, and the penalties provided for in Code Sections 21-2-568, 21-2-573, 21-2-579, and 21-2-599 for violations of oaths; and on the face of such envelope shall be printed the name and address of the board of registrars or absentee ballot clerk. The mailing envelope addressed to the elector shall contain the two envelopes, the official absentee ballot, and the uniform instructions for the manner of preparing and returning the ballot, in form and substance as provided by the Secretary of State and nothing else. The uniform instructions shall include information specific to the voting system used for absentee voting concerning the effect of overvoting or voting for more candidates than one is authorized to vote for a particular office and information concerning how the elector may correct errors in voting the ballot before it is cast including information on how to obtain a replacement ballot if the elector is unable to change the ballot or correct the error.

(c)(1) The oaths referred to in subsection (b) of this Code section shall be in substantially the following form:

Elector's Residence	Elector's Place of Birth
Address	

Signature or Mark of Elector

I, the undersigned, do swear (or affirm) that I assisted the above-named elector in marking such elector's absentee ballot as such elector personally communicated such elector's preference to me; that I am satisfied that such elector presently possesses the

disability noted below; and that by reason of such disability such elector is entitled to receive assistance in voting under provisions of subsection (a) of Code Section 21-2-409.

This, the _____ day of _____.

Signature of Person Assisting
Elector -- Relationship

Reason for assistance (Check appropriate square):

☐ Elector is unable to read the English language.

☐ Elector has following physical disability _____.

The forms upon which such oaths are printed shall contain the following information:

Georgia law provides, in subsection (b) of Code Section 21-2-409, that no person shall assist more than ten electors in any primary or election.

Georgia law further provides that any person who knowingly falsifies information so as to vote illegally by absentee ballot or who illegally gives or receives assistance in voting, as specified in Code Section 21-2-568, 21-2-573, or 21-2-579, shall be guilty of a misdemeanor.

(2) In the case of absent uniformed services or overseas voters, if the Presidential designee under Section 705(b) of the federal Help America Vote Act promulgates a standard oath for use by such voters, the Secretary of State shall be required to use such oath on absentee ballot materials for such voters and such oath shall be accepted in lieu of the oath set forth in paragraph (1) of this subsection.

(d) Each board of registrars or absentee ballot clerk shall maintain for public inspection a master list, arranged by precincts, setting forth the name and residence of every elector to whom an official absentee ballot has been sent. Absentee electors whose names appear on the master list may be challenged by any elector prior to 12:00 Noon on the day of the primary or election.

21-2-385.

(a) At any time after receiving an official absentee ballot, but before the day of the primary or election, except electors who are confined to a hospital on the day of the primary or election, the elector shall vote his or her absentee ballot, then fold the ballot and enclose and securely seal the same in the envelope on which is printed 'Official Absentee Ballot.' This envelope shall then be placed in the second one, on which is printed the form of the oath of the elector, the name, relationship, and oath of the person assisting, if any, and other required identifying information. The elector shall then fill out, subscribe, and swear to the

1 oath printed on such envelope. Such envelope shall then be securely sealed and the elector
2 shall then mail or personally deliver same to the board of registrars or absentee ballot clerk,
3 provided that delivery by a physically disabled elector may be made by any adult person
4 upon satisfactory proof that such adult person is such elector's mother, father, grandparent,
5 aunt, uncle, brother, sister, spouse, son, daughter, niece, nephew, grandchild, son-in-law,
6 daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, or an
7 individual residing in the household of such disabled elector. An elector who is confined
8 to a hospital on a primary or election day to whom an absentee ballot is delivered by the
9 registrar or absentee ballot clerk shall then and there vote the ballot, seal it properly, and
10 return it to the registrar or absentee ballot clerk. If the elector registered to vote for the first
11 time in this state by mail and has not previously provided the identification required by
12 Code Section 21-2-220 and votes for the first time by absentee ballot and fails to provide
13 the identification required by Code Section 21-2-220 with such absentee ballot, such
14 absentee ballot shall be treated as a provisional ballot and shall be counted only if the
15 registrars are able to verify the identification and registration of the elector during the time
16 provided pursuant to Code Section 21-2-419.

17 (b) A physically disabled or illiterate elector may receive assistance in preparing his or her
18 ballot from one of the following: any elector who is qualified to vote in the same county
19 or municipality as the disabled or illiterate elector or the mother, father, grandparent, aunt,
20 uncle, brother, sister, spouse, son, daughter, niece, nephew, grandchild, son-in-law,
21 daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law of the
22 disabled or illiterate elector. The person rendering assistance to the elector in preparing the
23 ballot shall sign the oath printed on the same envelope as the oath to be signed by the
24 elector. If the disabled or illiterate elector is sojourning outside his or her own county or
25 municipality, a notary public of the jurisdiction may give such assistance and shall sign the
26 oath printed on the same envelope as the oath to be signed by the elector. No person shall
27 assist more than ten such electors in any primary; or election; ~~or runoff~~.

28 (c) When an elector applies in person for an absentee ballot, after the absentee ballots have
29 been printed, the absentee ballot shall be issued to the elector at the time of the application
30 therefor within the confines of the registrar's or absentee ballot clerk's office; and the
31 elector shall then and there vote and return the absentee ballot as provided in subsections
32 (a) and (b) of this Code section. The board of registrars or absentee ballot clerk shall
33 furnish accommodations to the elector to ensure the privacy of the elector while voting his
34 or her absentee ballot.

1 21-2-386.

2 (a)(1) The board of registrars or absentee ballot clerk shall keep safely and unopened all
3 official absentee ballots received from absentee electors prior to the closing of the polls
4 on the day of the primary or election except as otherwise provided in this subsection.
5 Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the receipt
6 of the ballot on its envelope. The registrar or clerk shall then compare the identifying
7 information on the oath with the information on file in his or her office, shall compare the
8 signature or mark on the oath with the signature or mark on the absentee elector's
9 application for absentee ballot or a facsimile of said signature or mark taken from said
10 application, and shall, if the information and signature appear to be valid, so certify by
11 signing or initialing his or her name below the voter's oath. Each elector's name so
12 certified shall be listed by the registrar or clerk on the numbered list of absentee voters
13 prepared for his or her precinct. If the elector has failed to sign the oath, or if the
14 signature does not appear to be valid, or if the elector has failed to furnish required
15 information or information so furnished does not conform with that on file in the
16 registrar's or clerk's office, or if the elector is otherwise found disqualified to vote, the
17 registrar or clerk shall write across the face of the envelope 'Rejected,' giving the reason
18 therefor. The board of registrars or absentee ballot clerk shall promptly notify the elector
19 of such rejection, a copy of which notification shall be retained in the files of the board
20 of registrars or absentee ballot clerk for at least one year. Three copies of the numbered
21 list of voters shall also be prepared for such rejected absentee electors, giving the name
22 of the elector and the reason for the rejection in each case. Three copies of the numbered
23 list of certified absentee voters and three copies of the numbered list of rejected absentee
24 voters for each precinct shall be turned over to the poll manager in charge of counting the
25 absentee ballots and shall be distributed as required by law for numbered lists of voters.
26 All absentee ballots returned to the board or absentee ballot clerk after the closing of the
27 polls on the day of the primary or election shall be safely kept unopened by the board or
28 absentee ballot clerk and then transferred to the appropriate clerk for storage for the
29 period of time required for the preservation of ballots used at the primary or election and
30 shall then, without being opened, be destroyed in like manner as the used ballots of the
31 primary or election. The board of registrars or absentee ballot clerk shall promptly notify
32 the elector by first-class mail that the elector's ballot was returned too late to be counted
33 and that the elector will not receive credit for voting in the primary or election. All such
34 late absentee ballots shall be delivered to the appropriate clerk and stored as provided in
35 Code Section 21-2-390.

36 (2) After 12:00 Noon and until the closing of the polls on the day of the primary or
37 election, the registrars or absentee ballot clerks shall be authorized to open the outer

1 envelope on which is printed the oath of the elector in such a manner as not to destroy the
2 oath printed thereon; provided, however, that the registrars or absentee ballot clerk shall
3 not be authorized to remove the contents of such outer envelope or to open the inner
4 envelope marked 'Official Absentee Ballot,' except as otherwise provided in this Code
5 section. At least three persons who are registrars, deputy registrars, poll workers, or
6 absentee ballot clerks must be present before commencing.

7 (3) If the election superintendent desires to open the inner envelopes containing the
8 absentee ballots after 3:00 P.M., but before 7:00 P.M., on the day of the election, the
9 election superintendent shall petition in writing the chief judge of the superior court of
10 the county or, if such judge is a candidate in such election, such petition shall be
11 submitted to the administrative judge of the judicial administrative district in which such
12 county is located who shall assign such petition to a judge of the district who is not a
13 candidate in such election at least seven days prior to the election for permission to open
14 the inner envelopes in accordance with the procedures prescribed in this subsection. Such
15 petition shall contain the names of persons designated to act as monitors of the process
16 of opening the inner envelopes by the election superintendent or his or her designee. The
17 county executive committee or, if there is no organized county executive committee, the
18 state executive committee of each political party and political body having candidates
19 whose names appear on the ballot for such election in such county shall have the right to
20 designate two persons and each independent and nonpartisan candidate whose name
21 appears on the ballot for such election in such county shall have the right to designate one
22 person to act as monitors. Such executive committees and candidates shall be given
23 notice by the election superintendent of the superintendent's intent to request permission
24 to open the inner envelopes early and their right to designate monitors. The executive
25 committees and candidates shall be given at least seven days after the notice by the
26 election superintendent to designate monitors for inclusion in the petition.

27 (4) The chief judge, after considering the petition, shall authorize the opening of the
28 inner envelope of the absentee ballots provided that the names of the persons to serve as
29 monitors on behalf of the political parties, political bodies, independent candidates, and
30 nonpartisan candidates are submitted in the petition by the election superintendent. The
31 judge shall:

32 (A) Designate the location where the inner envelopes shall be opened within the
33 county;

34 (B) Designate additional monitors for the process to be present during the opening of
35 the inner envelopes, if the judge deems such persons necessary;

36 (C) Administer an oath to each person who shall serve as a monitor and to each
37 election official who shall participate in any manner in the process of opening the inner

1 envelopes to which such persons shall swear or affirm that no inner envelopes shall be
2 opened unless all monitors are present in the location designated by the judge, unless
3 such monitor shall specifically give his or her permission for such process to continue
4 in his or her absence; that no attempt shall be made to ascertain how any ballot was
5 voted or to view the contents of any ballot; that no monitor shall handle, touch, or
6 possess any ballot; and that no discussion of the procedure or of anything viewed
7 during the opening of the envelopes will be held with any person who is not a part of
8 the opening process before 7:00 P.M. on the day of the election;

9 (D) Designate no less than two persons to take possession of and keep secure all such
10 opened envelopes and ballots at all times prior to such envelopes and ballots being
11 released to the manager of the absentee ballot precinct for counting; and

12 (E) Provide such additional conditions and requirements as he or she deems necessary
13 to preserve the integrity and confidentiality of such process, including instructions to
14 monitors and election officials for the reporting of any unauthorized activity.

15 Intentional and willful violation of such oath shall be a felony punishable pursuant to
16 Code Section 21-2-600.

17 (5) The process for opening the inner envelopes of absentee ballots after 12:00 Noon and
18 before 7:00 P.M. on the day of an election as provided in this subsection shall be a
19 confidential process to maintain the secrecy of all ballots and to protect the disclosure of
20 any balloting information before 7:00 P.M. on election day. No ballots shall be counted
21 before 7:00 P.M. on election day.

22 (b) As soon as practicable after 12:00 Noon on the day of the primary or election, in
23 precincts other than those in which optical scanning tabulators are used, a registrar or
24 absentee ballot clerk shall deliver the official absentee ballot of each certified absentee
25 elector, each rejected absentee ballot, applications for such ballots, and copies of the
26 numbered lists of certified and rejected absentee electors to the manager in charge of the
27 absentee ballot precinct of the county or municipality, which shall be located in the
28 precincts containing the county courthouse or polling place designated by the municipal
29 superintendent. In those precincts in which optical scanning tabulators are used, such
30 absentee ballots shall be taken to the tabulation center or other place designated by the
31 superintendent, and the official receiving such absentee ballots shall issue his or her receipt
32 therefor. In no event shall the counting of the ballots begin before the polls close.

33 (c) Except as otherwise provided in this Code section, after the close of the polls on the
34 day of the primary or election, a manager shall then open the outer envelope in such
35 manner as not to destroy the oath printed thereon and shall deposit the inner envelope
36 marked 'Official Absentee Ballot' in a ballot box reserved for absentee ballots. Such
37 manager with two assistant managers, appointed by the superintendent, with such clerks

1 as the manager deems necessary shall count the absentee ballots following the procedures
2 prescribed by this chapter for other ballots, insofar as practicable, and prepare an election
3 return for the county or municipality showing the results of the absentee ballots cast in such
4 county or municipality.

5 (d) Any other provision of law to the contrary notwithstanding, if at any primary, general,
6 or special election in any county any question is to be voted on involving any political
7 subdivision which includes less than the entire county, all absentee ballots shall be
8 separated by precinct for counting purposes; and separate returns shall be certified for each
9 precinct in which absentee ballots were cast.

10 (e) If an absentee elector's right to vote has been challenged for cause, a poll officer shall
11 open the envelopes and write 'Challenged,' the elector's name, and the alleged cause of
12 challenge on the back of the ballot, without disclosing the markings on the face thereof, and
13 shall deposit the ballot in the box; and it shall be counted as other challenged ballots are
14 counted. In the case of absentee votes cast on direct recording electronic voting systems,
15 the ballots shall be coded in such a way that the ballot of a challenged voter can be
16 separated from other valid ballots at the time of tabulation and the challenged ballots shall
17 be counted or rejected in accordance with Code Section 21-2-230. The board of registrars
18 or absentee ballot clerk shall promptly notify the elector of such challenge.

19 21-2-387.

20 Whenever it shall be made to appear by due proof to the managers that an absentee elector
21 who has marked and forwarded or delivered his or her ballot as provided in this article has
22 died prior to the opening of the polls on the day of the primary or election, the ballot of
23 such deceased elector shall be returned by the managers in the same manner as provided
24 for rejected ballots.

25 21-2-388.

26 When an absentee ballot which has been voted shall be returned to the board of registrars,
27 it shall be deemed to have been voted then and there; and no other absentee ballot shall be
28 issued to the same elector. However, if an elector who has requested to vote by absentee
29 ballot based upon the reason that the elector is required to be absent from the elector's
30 precinct during the time of the primary or election in which the elector desires to vote is
31 present in the precinct of the elector's residence during the time the polls are open in any
32 primary, ~~election, or runoff~~ or election for which the elector has requested an absentee
33 ballot or if the elector's circumstances change and the elector is no longer eligible to vote
34 by absentee ballot under Code Section 21-2-380, such elector shall have the absentee ballot
35 canceled in one of the following ways:

1 (1) By surrendering the absentee ballot to the poll manager of the precinct in which the
2 elector's name appears on the electors list and then being permitted to vote the regular
3 ballot. The poll manager shall mark 'Canceled' and the date and time across the face of
4 the absentee ballot and shall initial same. The poll manager shall also make appropriate
5 notations beside the name of the elector on the electors list. All such canceled absentee
6 ballots shall be returned with other ballots to the superintendent;

7 (2) By appearing in person before the registrars or the absentee ballot clerk and
8 requesting in writing that the envelope containing the elector's absentee ballot be marked
9 'Canceled.' After having satisfied themselves as to the identity of such elector, the
10 registrars or the absentee ballot clerk shall grant the request and shall notify the managers
11 of the elector's precinct as to such action so as to permit the elector to vote in person in
12 that precinct. If the absentee ballot is in the possession of the registrars or the absentee
13 ballot clerk, it shall be promptly marked 'Canceled' and the date and time written across
14 the face of the envelope. If the absentee ballot is in the mail or its exact location is
15 unknown, the registrar or the absentee ballot clerk shall write 'Canceled' beside the
16 elector's name on the master list of absentee voters and shall cancel the ballot itself as
17 soon as it is received. Canceled absentee ballots shall be disposed of in the same manner
18 as provided in subsection (a) of Code Section 21-2-386 for absentee ballots returned too
19 late to be cast.

20 21-2-389.

21 The postage required for mailing ballots to absentee electors, as provided for in this article,
22 shall be paid by the county or municipality, except in cases where free mail delivery is
23 furnished by the federal government.

24 21-2-390.

25 All official absentee ballots and envelopes on which the forms of affidavits and jurats
26 appear shall be delivered to the clerk of the superior court or the city clerk upon the
27 conclusion of the primary or election and shall be safely kept by him or her for the period
28 required by law and then shall be destroyed. The applications for such ballots shall be
29 retained by the board of registrars or the municipal absentee ballot clerk for at least 24
30 months and then may be destroyed. On the day following the primary or election, the
31 board of registrars or the municipal absentee ballot clerk shall transmit all canceled,
32 spoiled, and rejected absentee ballots and copies of requests for cancellation of absentee
33 ballots to the clerk of the superior court or the city clerk to be held with other election
34 materials as provided in Code Section 21-2-500. The registrars or the municipal absentee
35 ballot clerk shall also transmit an accounting of all absentee ballots, including the number

1 furnished by the registrars or the municipal absentee ballot clerk, the number issued to
2 electors, the number spoiled, and the number rejected.

3 ARTICLE 11

4 PART 1

5 21-2-400.

6 (a) Prior to each primary and election, the superintendent shall obtain from the Secretary
7 of State a sufficient number of cards of instruction for guidance of electors. Such cards of
8 instruction shall include such portions of this chapter as deemed necessary by the Secretary
9 of State and shall be printed for the type of voting equipment or ballots used in the county
10 or municipality. The superintendent shall also obtain from the Secretary of State a
11 sufficient number of blank forms of oaths of poll officers, voter's certificates, notices of
12 penalties, oaths of assisted electors, numbered list of voters, tally sheets, return sheets, and
13 such other forms and supplies required by this chapter, in each precinct of the county or
14 municipality.

15 (b) As an aid to electors, sample ballots or ballot labels may be printed and published in
16 any newspaper generally and regularly circulated within the county or municipality, so long
17 as the facsimile is labeled 'Sample Ballot' and is at least 25 percent larger or smaller than
18 the official ballot. Reprints of such newspaper printings may be procured and distributed
19 by any elector. Election officials may also prepare and distribute sample ballots or ballot
20 labels or portions thereof, provided they are labeled 'Sample Ballot' and are of a different
21 color and at least 25 percent larger or smaller than the official ballot or ballot label.

22 (c) The superintendent shall prepare sample or facsimile ballots or ballot labels, as the case
23 may be, for each general election which shall contain each question and the candidates who
24 are offering for election for each office which will be voted upon in the county or
25 municipality. The superintendent shall maintain such sample or facsimile ballots or ballot
26 labels at the county courthouse for distribution upon request to interested electors. Such
27 sample or facsimile ballots or ballot labels shall comply with Code Section 21-2-575.

28 21-2-401.

29 (a) The cards of instruction, return sheets, tally sheets, oaths of poll officers, affidavits, and
30 other forms and supplies required for use in each precinct, and, in precincts in which ballots
31 are used, the official ballots prepared for use therein shall be packed by the superintendent
32 in separate sealed packages for each precinct, marked on the outside so as to designate
33 clearly the precincts for which they are intended and, in the case of precincts in which
34 ballots are used, the number of ballots enclosed. They shall then be delivered by the

1 superintendent, together with the ballot box which shall bear the designation of the
2 precinct, to the managers in the several precincts prior to the hour appointed for opening
3 the polls. In presidential preference primaries, the parties shall decide whether to use the
4 same ballot box or to use separate ballot boxes. The managers of the respective precincts
5 shall, on delivery to them of such packages, return receipts therefor to the superintendent,
6 who shall keep a record of the time when and the manner in which the several packages are
7 delivered. The superintendent may, in the superintendent's discretion, require the managers
8 of the respective precincts to call at the superintendent's office to obtain such packages.

9 (b) The registrars shall, prior to the hour appointed for opening the polls, place in the
10 possession of the managers in each precinct one copy of the certified electors list for such
11 precinct, such list to contain all the information required by law. The list shall indicate the
12 name of any elector who has been mailed or delivered an absentee ballot. The list for a
13 given precinct may be divided into as many alphabetical sections as is deemed necessary.
14 Such list of electors shall be authenticated by the signatures of at least two of the registrars.
15 ~~In a municipal primary, where the parties do not agree to have only one set of managers for~~
16 ~~a precinct, the electors list shall be delivered to the chief manager of the political party~~
17 ~~which polled the highest number of votes in the precinct in the immediately preceding~~
18 ~~election of the presiding officer of the governing authority.~~ In addition, the registrars shall
19 at the same time place in the possession of the managers in each precinct one copy of the
20 list of inactive electors for such precinct. The managers of the respective precincts shall,
21 on delivery to them of such electors lists, return receipts therefor to the registrars, who shall
22 keep a record of the time when and the manner in which the electors lists are delivered. The
23 registrars may, in their discretion, require the managers of the respective precincts to call
24 at their office to obtain such lists.

25 (c) The registrars may, in their discretion, place a master list containing the names and
26 proper voting precincts of all electors and all inactive electors of the county or municipality
27 at some or all of the polling places located in the county or municipality on the day of each
28 election for use by the poll workers to assist electors in locating their proper precinct.

29 21-2-402.

30 (a) At each primary and election, the Secretary of State shall prepare and furnish to each
31 superintendent a suitable number of voter's certificates which shall be in substantially the
32 following form:

VOTER'S CERTIFICATE

I hereby certify that I am qualified to vote at the (primary or election) held on _____, that I have not and will not vote elsewhere in this (primary or election) in my own name or in any other name, and that I am a citizen of the United States and am not currently serving a sentence for a felony conviction. I understand that making a false statement on this certificate is a felony under Code Section 21-2-562.

Signature _____

Current residence address of elector: _____

Elector's date of birth: _____

Name or initials of poll officer receiving voter's certificate: _____

In case of physical disability or illiteracy, fill out the following:

I hereby certify that the voter is unable to sign his or her name by reason of the following: _____

Signature of poll officer

Number of stub of ballot or number of admission to voting machine: _____

(b) The voter's certificates shall be so prepared as to be capable of being inserted by the poll officers in a suitable binder for each primary or election. The binder shall have written thereon the words 'Voter's Certificates' and shall have a space for filling in the designation of the precinct and the date of the primary or election.

(c) The election superintendent may obtain or may create and provide other voter's certificates, provided that such other voter's certificates are in the form required under this Code section and are approved by the Secretary of State.

21-2-403.

At all primaries and elections the polls shall be opened at 7:00 A.M. eastern standard time or eastern daylight time, whichever is applicable, and shall remain open continuously until 7:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, at which time they shall be closed; provided, however, that, in all cities having a population of 300,000 or more according to the United States decennial census of 1970 or any future such

1 census, the polls shall remain open continuously until 8:00 P.M. eastern standard time or
2 eastern daylight time, whichever is applicable, during the cities' general elections, at which
3 time they shall be closed and provided, further, that, in a special election held to fill a
4 vacancy in an office in which the district represented by such office lies wholly within the
5 boundaries of a city, the polls shall close at the same time as for a municipal general
6 election in such city.

7 21-2-404.

8 Each employee in this state shall, upon reasonable notice to his or her employer, be
9 permitted by his or her employer to take any necessary time off from his or her
10 employment to vote in any municipal, county, state, or federal political party primary or
11 election for which such employee is qualified and registered to vote on the day on which
12 such primary or election is held; provided, however, that such necessary time off shall not
13 exceed two hours; and provided, further, that, if the hours of work of such employee
14 commence at least two hours after the opening of the polls or end at least two hours prior
15 to the closing of the polls, then the time off for voting as provided for in this Code section
16 shall not be available. The employer may specify the hours during which the employee may
17 absent himself or herself as provided in this Code section.

18 21-2-405.

19 (a) The chief manager and two assistant managers shall meet in the respective places
20 appointed for holding the primary or election in each precinct at least one hour before the
21 hour for opening the polls on the day of each primary or election. The other required poll
22 officers shall meet in the respective places appointed for holding the primary or election
23 in each precinct at least 30 minutes before the hour for opening the polls on the day of each
24 primary or election. Before entering upon their duties at any primary or election, all poll
25 officers shall take and subscribe in duplicate to the oaths required by this chapter.

26 (b) If any chief manager shall not appear at the polling place by 7:00 A.M. on the day of
27 any primary or election, the assistant managers shall appoint a chief manager who is
28 qualified under this chapter. If any assistant manager shall not appear at such hour, the
29 chief manager shall appoint an assistant manager who is qualified under this chapter. If, for
30 any reason, any vacancy in the office of manager shall not have been filled by 7:30 A.M.,
31 the electors of the precinct, present at such time, shall elect a qualified person to fill such
32 vacancy. If any clerk shall not appear by 7:00 A.M., the chief manager shall fill such
33 vacancy by appointing a qualified person therefor. Any person thus appointed or elected
34 to fill a vacancy shall take and subscribe in duplicate to the appropriate oath required by
35 this chapter.

(c) After the poll officers of a precinct have been organized, the chief manager shall designate one of the assistant managers to have custody of the electors list. In precincts in which ballots are used, the other assistant manager shall have charge of the receipt and deposit of ballots in the ballot box, the chief manager or one of the clerks shall issue the ballots to electors after they are found entitled to vote, and the other clerk shall have custody of the voter's certificate binder and shall place the voter's certificates therein as they are received and approved. In precincts in which voting machines are used, the other assistant manager or clerk shall have custody of the voter's certificate binder and shall place the voter's certificates therein as they are received and approved, and the chief manager shall have special charge of the operation of the voting machine; provided, however, that the chief manager may make other arrangements for the division of the duties imposed by this chapter, so long as each poll officer is assigned some specific duty to perform. ~~In municipal primaries being held with separate precinct managers, the chief managers appointed by each party shall jointly appoint the person or persons to be in charge of the electors list.~~ In all precincts, the chief manager shall assign an assistant manager or a clerk to keep a numbered list of voters, in sufficient counterparts, during the progress of the voting.

(d) Any poll officer may be assigned by the chief manager to assist another officer in the performance of his or her duties or to perform them for him during his or her temporary absence or disability.

(e) Nothing in this Code section shall prohibit a county or municipality from offering poll officers, other than the chief manager and assistant managers, the option of working part of an election day, rather than the entire day from the opening of the polls to the closing of the polls and completion of the required duties following the closing of the polls. In such cases, any poll officer who begins a shift of work after the opening of the polls shall take and subscribe the same oath as required of poll officers in subsection (a) of this Code section and shall handle such duties as assigned by the chief manager.

21-2-406.

Superintendents, poll officers, and other officials engaged in the conducting of primaries and elections held under this chapter shall perform their duties in public.

21-2-407.

The registrars shall meet at their main office during each primary or election for the purpose of considering the qualification of electors whose names may have been omitted by inadvertence or mistake from the list of electors. The registrars shall be authorized to

1 place the names of such electors on the registration list or make other corrections to the list
2 as necessary.

3 21-2-408.

4 (a) In a primary or ~~run-off primary~~ election, each candidate entitled to have his or her
5 name placed on the ~~primary or run-off primary~~ ballot may submit the name of one poll
6 watcher for each precinct in which he or she wishes to have an observer to the ~~chairperson~~
7 ~~or secretary of the appropriate party executive committee~~ superintendent at least 21 days
8 prior to such primary or ~~14 days prior to such run-off primary~~ election. The ~~appropriate~~
9 ~~party executive committee~~ superintendent shall designate at least seven days prior to such
10 primary or ~~run-off primary~~ election no more than two poll watchers for each precinct, such
11 poll watchers to be selected by the ~~committee~~ superintendent from the list submitted by
12 ~~party~~ candidates. Official poll watchers shall be given a letter signed by the ~~party~~
13 ~~chairperson and secretary, if designated by a political party~~ superintendent, containing the
14 following information: name of official poll watcher, address, precinct in which he or she
15 shall serve, and name and date of primary or ~~run-off primary~~ election. ~~At least three days~~
16 ~~prior to the primary, a copy of the letter shall be delivered to the superintendent of the~~
17 ~~county or municipality in which the poll watcher is to serve.~~

18 ~~(b)(1) In an election or run-off election, each political party and political body shall each~~
19 ~~be entitled to designate, at least seven days prior to such election or run-off election, no~~
20 ~~more than two official poll watchers in each precinct to be selected by the appropriate~~
21 ~~party or body executive committee. Each independent candidate shall be entitled to~~
22 ~~designate one poll watcher in each precinct. In addition, candidates running in a~~
23 ~~nonpartisan election shall be entitled to designate one poll watcher in each precinct. Each~~
24 ~~poll watcher shall be given a letter signed by the appropriate political party or body~~
25 ~~chairperson and secretary, if a party or body designates same, or by the independent or~~
26 ~~nonpartisan candidate, if named by the independent or nonpartisan candidate. Such letter~~
27 ~~shall contain the following information: name of official poll watcher, address, precinct~~
28 ~~in which he or she shall serve, and date of election or run-off election. At least three days~~
29 ~~prior to the election, a copy of the letter shall be delivered to the superintendent of the~~
30 ~~county or municipality in which the poll watcher is to serve.~~

31 ~~(2) In an election or run-off election, each political party and political body, which body~~
32 ~~is registered pursuant to Code Section 21-2-110 and has nominated a candidate for~~
33 ~~state-wide office, shall additionally be entitled to designate, at least 14 days prior to such~~
34 ~~election or run-off election, no more than five official state-wide poll watchers to be~~
35 ~~selected by the appropriate party or body executive committee. Each independent~~
36 ~~candidate shall also be entitled to designate five official state-wide poll watchers. In~~

~~addition, candidates running in a state-wide nonpartisan election shall be entitled to designate five official state-wide poll watchers. All such designations of state-wide poll watchers shall be in writing and made and submitted to the State Election Board. A state-wide poll watcher shall have the same powers and duties as poll watchers and shall be entitled to watch the polls in any precinct in the state but shall otherwise be subject to all limitations and prohibitions placed on poll watchers. Each state-wide poll watcher shall be given a letter signed by the chairperson of the State Election Board. Such letter shall contain the following information: name of official state-wide poll watcher, address, a statement that such poll watcher is a state-wide poll watcher, and date of election or run-off election. At least three days prior to the election, a copy of the letter shall be delivered to the superintendent of each county in which the poll watcher might serve.~~

Reserved.

~~(c) In counties or municipalities using direct recording electronic (DRE) voting systems or optical scanning voting systems, each political party may appoint two poll watchers in each primary or election, each political body may appoint two poll watchers in each election, each nonpartisan candidate may appoint one poll watcher in each nonpartisan election, and each independent candidate may appoint one poll watcher in each election to serve in the locations designated by the superintendent within the tabulating center. Such designated locations shall include the check-in area, the computer room, the duplication area, and such other areas as the superintendent may deem necessary to the assurance of fair and honest procedures in the tabulating center. The poll watchers provided for in this subsection shall be appointed and serve in the same manner as other poll watchers.~~

Reserved.

(d) Notwithstanding any other provisions of this chapter, a poll watcher may be permitted behind the enclosed space for the purpose of observing the conduct of the election and the counting and recording of votes. Such poll watcher shall in no way interfere with the conduct of the election, and the poll manager may make reasonable regulations to avoid such interference. Without in any way limiting the authority of poll managers, poll watchers are prohibited from talking to voters, checking electors lists, using photographic or other electronic monitoring or recording devices, using cellular telephones, or participating in any form of campaigning while they are behind the enclosed space. If a poll watcher persists in interfering with the conduct of the election or in violating any of the provisions of this Code section after being duly warned by the poll manager or superintendent, he or she may be removed by such official. Any infraction or irregularities observed by poll watchers shall be reported directly to the superintendent, not to the poll manager. The superintendent shall furnish a badge to each poll watcher bearing the words 'Official Poll Watcher,' the name of the poll watcher, the primary or election in which the

poll watcher shall serve, and either the precinct or tabulating center in which the poll watcher shall serve or a statement that such poll watcher is a state-wide poll watcher. The poll watcher shall wear such badge at all times while serving as a poll watcher.

(e) No person shall be appointed or be eligible to serve as a poll watcher in any primary or election in which such person is a candidate.

21-2-409.

(a) No elector shall receive any assistance in voting at any primary or election unless he or she is unable to read the English language or he or she has a physical disability which renders him or her unable to see or mark the ballot or operate the voting equipment or to enter the voting compartment or booth without assistance. The elector shall take an oath that shall be administered to him or her and placed in writing by a manager, giving the reason why the elector requires assistance. The printed name and the signature of such person assisting the elector shall be provided on the oath. An elector who declares that by reason of blindness he or she is unable to cast a vote as he or she wishes may receive assistance on the basis of the blind elector's declaration without the necessity of an oath. The printed name and the signature of such person assisting a blind elector shall be provided on the declaration.

(b)(1) In elections in which there is a federal candidate on the ballot, any elector who is entitled to receive assistance in voting under this Code section shall be permitted by the managers to select any person of the elector's choice except the elector's employer or agent of that employer or officer or agent of the elector's union.

(2) In all other elections, any elector who is entitled to receive assistance in voting under this Code section shall be permitted by the managers to select (1) any elector, except a poll officer or poll watcher, who is a resident of the precinct in which the elector requiring assistance is attempting to vote; or (2) the mother, father, sister, brother, spouse, or child of the elector entitled to receive assistance, to enter the voting compartment or booth with him or her to assist in voting, such assistance to be rendered inside the voting compartment or booth. No person shall assist more than ten such electors in any primary, ~~election, or runoff~~ or election covered by this paragraph. No person whose name appears on the ballot as a candidate at a particular election nor the mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law of that candidate may offer assistance during that particular election under the provisions of this Code section to any voter who is not related to such candidate. For the purposes of this paragraph, 'related to such candidate' shall mean the candidate's mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter, niece, nephew, grandchild,

1 son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, or
2 sister-in-law.

3 (c) The oaths or declarations of assisted electors shall be returned by the chief manager to
4 the superintendent. The oaths or declarations of assisted electors shall be available in the
5 superintendent's office for public inspection.

6 21-2-409.1.

7 On election day between the hours of 9:30 A.M. and 4:30 P.M., each elector who is 75
8 years of age or older or who is disabled and requires assistance in voting as authorized by
9 Code Section 21-2-409, shall, upon request to a poll officer, be authorized at any primary
10 or election to vote immediately at the next available voting compartment or booth without
11 having to wait in line. Notice of the provisions of this Code section shall be prominently
12 displayed in the voting place.

13 21-2-410.

14 If any elector, before or after entering the voting booth, shall ask for instructions
15 concerning the manner of voting, a poll officer may give such elector such instructions; but
16 no person giving an elector such instructions shall in any manner request, suggest, or seek
17 to persuade or induce any such elector to vote any particular ticket or for any particular
18 candidate or for or against any particular question. After giving such instructions and
19 before the elector closes the booth or votes, the poll officer shall retire and the elector shall
20 immediately vote.

21 21-2-411.

22 The chief manager in each precinct shall return a checked list of electors, reflecting those
23 who voted, and the voter's certificates to the superintendent, to be deposited with the
24 registrars. The board of registrars shall keep such voter's certificates for at least 24 months
25 and such electors lists for at least five years, and the same shall be available for public
26 inspection.

27
28 21-2-412.

29 At least one judge of the superior court of each judicial circuit shall be available in his or
30 her circuit on the day of each primary or election from 7:00 A.M. eastern standard time or
31 eastern daylight time, whichever is applicable, until 10:00 P.M. eastern standard time or
32 eastern daylight time, whichever is applicable, and so long thereafter as it may appear that
33 the process of such court will be necessary to secure a free, fair, and correct computation
34 and canvass of votes cast at such primary or election. During such period the court shall

1 issue process, if necessary, to enforce and secure compliance with the primary or election
2 laws and shall decide such other matters pertaining to the primary or election as may be
3 necessary to carry out the intent of this chapter.

4 21-2-413.

5 (a) No elector shall be allowed to occupy a voting compartment or voting machine booth
6 already occupied by another except when giving assistance as permitted by this chapter.

7 (b) No elector shall remain in a voting compartment or voting machine booth an
8 unreasonable length of time; and, if such elector shall refuse to leave after such period, he
9 or she shall be removed by the poll officers.

10 (c) No elector except a poll officer or poll watcher shall reenter the enclosed space after
11 he or she has once left it except to give assistance as provided by this chapter.

12 (d) No person, when within the polling place, shall electioneer or solicit votes for any
13 political party or body or candidate or question, nor shall any written or printed matter be
14 posted within the room, except as required by this chapter. The prohibitions contained
15 within Code Section 21-2-414 shall be equally applicable within the polling place and no
16 elector shall violate the provisions of Code Section 21-2-414.

17 (e) No elector shall use photographic or other electronic monitoring or recording devices
18 or cellular telephones while such elector is within the enclosed space in a polling place.

19 (f) All persons except poll officers, poll watchers, persons in the course of voting and such
20 persons' children under 18 years of age or any child who is 12 years of age or younger
21 accompanying such persons, persons lawfully giving assistance to electors, duly authorized
22 investigators of the State Election Board, and peace officers when necessary for the
23 preservation of order, must remain outside the enclosed space during the progress of the
24 voting. Notwithstanding any other provision of this chapter, any elector shall be permitted
25 to be accompanied into the enclosed area and into a voting compartment or voting machine
26 booth while voting by such elector's child or children under 18 years of age or any child
27 who is 12 years of age or younger unless the poll manager or an assistant manager
28 determines in his or her sole discretion that such child or children are causing a disturbance
29 or are interfering with the conduct of voting. Children accompanying an elector in the
30 enclosed space pursuant to this subsection shall not in any manner handle any ballot nor
31 operate any function of the voting equipment under any circumstances.

32 (g) When the hour for closing the polls shall arrive, all electors who have already qualified
33 and are inside the enclosed space shall be permitted to vote; and, in addition thereto, all
34 electors who are then in the polling place outside the enclosed space, or then in line outside
35 the polling place, waiting to vote, shall be permitted to do so if found qualified, but no
36 other persons shall be permitted to vote.

(h) It shall be the duty of the chief manager to secure the observances of this Code section, to keep order in the polling place, and to see that no more persons are admitted within the enclosed space than are permitted by this chapter. Further, from the time a polling place is opened until the ballots are delivered to the superintendent, the ballots shall be in the custody of at least two poll officers at all times.

(i) No person except peace officers regularly employed by the federal, state, county, or municipal government or certified security guards shall be permitted to carry firearms within 150 feet of any polling place.

21-2-414.

(a) No person shall solicit votes in any manner or by any means or method, nor shall any person distribute any campaign literature, newspaper, booklet, pamphlet, card, sign, or any other written or printed matter of any kind, nor shall any person conduct any exit poll or public opinion poll with voters on any primary or election day:

(1) Within 150 feet of the outer edge of any building within which a polling place is established;

(2) Within any polling place; or

(3) Within 25 feet of any voter standing in line to vote at any polling place.

(b) No person shall solicit signatures for any petition on any primary or election day:

(1) Within 150 feet of the outer edge of any building within which a polling place is established;

(2) Within any polling place; or

(3) Within 25 feet of any voter standing in line to vote at any polling place.

(c) No person shall solicit votes in any manner or by any means or method, nor shall any person distribute any campaign literature, newspaper, booklet, pamphlet, card, sign, or any other written or printed matter of any kind, nor shall any person conduct any exit poll or public opinion poll with voters within a room in which absentee ballots are being cast on any day.

(d) No person shall solicit signatures for any petition within a room in which absentee ballots are being cast on any day.

(e) No person shall use a cellular telephone or other electronic communication device once such person has been issued a ballot or, in the case of precincts using voting machines or electronic recording voting systems, once the person has entered the voting machine or voting enclosure or booth. This subsection shall not prohibit the use of cellular telephones by poll officials.

(f) No person whose name appears as a candidate on the ballot being voted upon at a primary, election, special primary, or special election, except a judge of the probate court

1 serving as the election superintendent, shall physically enter any polling place other than
2 the polling place at which that person is authorized to cast his or her ballot for that primary,
3 election, special primary, or special election and, after casting his or her ballot, the
4 candidate shall not return to such polling place until after the poll has closed and voting has
5 ceased. Judges of the probate court serving as election superintendents shall enter polling
6 places only as necessary to fulfill their duties as election superintendents and shall not
7 engage in any practice prohibited by this Code section.

8 (g) This Code section shall not be construed to prohibit a poll officer from distributing
9 materials, as required by law, which are necessary for the purpose of instructing electors
10 or from distributing materials prepared by the Secretary of State which are designed solely
11 for the purpose of encouraging voter participation in the election being conducted.

12 (h) Any person who violates this Code section shall be guilty of a misdemeanor.

13 21-2-415.

14 (a) No person shall distribute, circulate, disseminate, or publish or cause to be distributed,
15 circulated, disseminated, or published any literature in connection with any political
16 campaign for any public office or question unless such literature shall bear the name and
17 address of the person or organization distributing, circulating, disseminating, publishing,
18 or causing the same to be distributed, circulated, disseminated, or published. To be in
19 compliance with this subsection when an organization rather than a natural person commits
20 any of the acts enumerated in this subsection, the names and addresses of at least three of
21 the highest officials thereof shall also appear thereon. No candidate whose campaign is the
22 subject of any campaign literature shall contribute funds to defray the cost or a portion of
23 the cost of the printing, publishing, distribution, circulation, or dissemination of such
24 literature unless the literature clearly states that the cost or a portion thereof has been paid
25 for by the candidate. Campaign literature published and disseminated by the candidate,
26 bearing his or her name and the office for which he or she is a candidate, shall be
27 considered as in compliance with this subsection.

28 (b) No person shall use the name or any colorable imitation of the name of an existing
29 person or organization for the purposes of endorsing, circulating, or publishing campaign
30 material without the authorization of such person or organization. As used in this
31 subsection, the term 'any colorable imitation' means any name purposefully used with the
32 intention of the user that a person reading such name will be misled into believing that such
33 campaign material is being endorsed, circulated, or published by a person or organization
34 other than the true endorser, circulator, or publisher.

35 (c) Any person who violates this Code section shall be guilty of a misdemeanor.

1 21-2-416.

2 Reserved.

3 21-2-417.

4 (a) Each elector shall present proper identification to a poll worker at or prior to
5 completion of a voter's certificate at any polling place and prior to such person's admission
6 to the enclosed space at such polling place. Proper identification shall consist of any one
7 of the following:

8 (1) A valid Georgia driver's license;

9 (2) A valid identification card issued by a branch, department, agency, or entity of the
10 State of Georgia, any other state, or the United States authorized by law to issue personal
11 identification;

12 (3) A valid United States passport;

13 (4) A valid employee identification card containing a photograph of the elector and
14 issued by any branch, department, agency, or entity of the United States government, this
15 state, or any county, municipality, board, authority, or other entity of this state;

16 (5) A valid employee identification card containing a photograph of the elector and
17 issued by any employer of the elector in the ordinary course of such employer's business;

18 (6) A valid student identification card containing a photograph of the elector from any
19 public or private college, university, or postgraduate technical or professional school
20 located within the State of Georgia;

21 (7) A valid Georgia license to carry a pistol or revolver;

22 (8) A valid pilot's license issued by the Federal Aviation Administration or other
23 authorized agency of the United States;

24 (9) A valid United States military identification card;

25 (10) A certified copy of the elector's birth certificate;

26 (11) A valid social security card;

27 (12) Certified naturalization documentation;

28 (13) A certified copy of court records showing adoption, name, or sex change;

29 (14) A current utility bill, or a legible copy thereof, showing the name and address of the
30 elector;

31 (15) A bank statement, or a legible copy thereof, showing the name and address of the
32 elector;

33 (16) A government check or paycheck, or a legible copy thereof, showing the name and
34 address of the elector; or

35 (17) A government document, or a legible copy thereof, showing the name and address
36 of the elector.

(b) If an elector is unable to produce any of the items of identification listed in subsection (a) of this Code section, he or she shall sign a statement under oath in a form approved by the Secretary of State, separate and distinct from the elector's voter certificate, swearing or affirming that he or she is the person identified on the elector's voter certificate. Such person shall be allowed to vote without undue delay; provided, however, that an elector who registered for the first time in this state by mail and did not provide one of the forms of identification set forth in subsection (a) of this Code section at the time of registration and who is voting for the first time may vote a provisional ballot pursuant to Code Section 21-2-418 upon swearing or affirming that the elector is the person identified in the elector's voter certificate. Such provisional ballot shall only be counted if the registrars are able to verify current and valid identification of the elector as provided in this Code section within the time period for verifying provisional ballots pursuant to Code Section 21-2-419. Falsely swearing or affirming such statement under oath shall be punishable as a felony, and the penalty shall be distinctly set forth on the face of the statement.

21-2-418.

(a) If a person presents himself or herself at a polling place or registration office for the purpose of casting a ballot in a primary or election believing that he or she has timely registered to vote in such primary or election and the person's name does not appear on the list of registered electors and it cannot be immediately determined that the person did timely register to vote in such primary or election, the person shall be entitled to cast a provisional ballot as provided in this Code section.

(b) Such person voting a provisional ballot shall complete an official voter registration form and a provisional ballot voting certificate which shall include information about the place, manner, and approximate date on which the person registered to vote. The person shall swear or affirm in writing that he or she previously registered to vote in such primary or election, is eligible to vote in such primary or election, has not voted previously in such primary or election, and meets the criteria for registering to vote in such primary or election. The form of the provisional ballot voting certificate shall be prescribed by the Secretary of State. The person shall also present the identification required by Code Section 21-2-417.

(c) When the person has provided the information as required by this Code section, the person shall be issued a provisional ballot and allowed to cast such ballot as any other duly registered elector subject to the provisions of Code Section 21-2-419.

(d) Notwithstanding any provision of this chapter to the contrary, in the event that the time for closing the polls at a polling place or places is extended by court order, all electors who vote during such extended time period shall vote by provisional ballot only. Such ballots

1 shall be separated and held apart from other provisional ballots cast by electors during
2 normal poll hours.

3 (e) The registrars shall establish a free access system, such as a toll-free telephone number
4 or Internet website, by which any elector who casts a provisional ballot in a primary or
5 election, ~~or runoff of either~~, in which federal candidates are on the ballot may ascertain
6 whether such ballot was counted and, if such ballot was not counted, the reason why such
7 ballot was not counted. The registrars shall establish and maintain reasonable procedures
8 necessary to protect the security, confidentiality, and integrity of personal information
9 collected, stored, or otherwise used by such free access system. Access to such information
10 about an individual provisional ballot shall be restricted to the elector who cast such ballot.

11 (f) At the time an elector casts a provisional ballot, the poll officers shall give the elector
12 written information that informs the elector of the existence of the free access system
13 required by subsection (e) of this Code section by which the elector will be able to
14 ascertain if his or her ballot was counted and, if such ballot was not counted, the reason
15 why such ballot was not counted.

16 (g) Failure to establish such free access system shall subject the registrars and the county
17 by which the registrars are employed to sanctions by the State Election Board.

18 21-2-419.

19 (a) A person shall cast a provisional ballot on the same type of ballot that is utilized by the
20 county or municipality for mail-in absentee ballots. Such provisional ballot shall be sealed
21 in double envelopes as provided in Code Section 21-2-384 and shall be deposited by the
22 person casting such ballot in a secure, sealed ballot box.

23 (b) At the earliest time possible after the casting of a provisional ballot, but no later than
24 the day after the primary or election in which such provisional ballot was cast, the board
25 of registrars of the county or municipality, as the case may be, shall be notified by the
26 election superintendent that provisional ballots were cast in the primary or election and the
27 registrars shall be provided with the documents completed by the person casting the
28 provisional ballot as provided in Code Section 21-2-418. Provisional ballots shall be
29 securely maintained by the election superintendent until a determination has been made
30 concerning their status. The board of registrars shall immediately examine the information
31 contained on such documents and make a good faith effort to determine whether the person
32 casting the provisional ballot was entitled to vote in the primary or election.

33 (c)(1) If the registrars determine after the polls close, but not later than two days
34 following the primary or election, that the person casting the provisional ballot timely
35 registered to vote and was eligible and entitled to vote in such primary or election, the

1 registrars shall notify the election superintendent and the provisional ballot shall be
2 counted and included in the county or municipality's certified election results.

3 (2) If the registrars determine after the polls close, but not later than two days following
4 the primary or election, that the person voting the provisional ballot timely registered and
5 was eligible and entitled to vote in the primary or election but voted in the wrong
6 precinct, then the board of registrars shall notify the election superintendent. The
7 superintendent shall count such person's votes which were cast for candidates in those
8 races for which the person was entitled to vote but shall not count the votes cast for
9 candidates in those races in which such person was not entitled to vote. The
10 superintendent shall order the proper election official at the tabulating center or precinct
11 to prepare an accurate duplicate ballot containing only those votes cast by such person
12 in those races in which such person was entitled to vote for processing at the tabulating
13 center or precinct, which shall be verified in the presence of a witness. Such duplicate
14 ballot shall be clearly labeled with the word 'Duplicate,' shall bear the designation of the
15 polling place, and shall be given the same serial number as the original ballot. The
16 original ballot shall be retained.

17 (3) If the registrars determine that the person casting the provisional ballot did not timely
18 register to vote or was not eligible or entitled to vote in such primary or election or shall
19 be unable to determine within two days following such primary or election whether such
20 person timely registered to vote and was eligible and entitled to vote in such primary or
21 election, the registrars shall so notify the election superintendent and such ballot shall not
22 be counted. The election superintendent shall mark or otherwise document that such
23 ballot was not counted and shall deliver and store such ballots with all other ballots and
24 election materials as provided in Code Section 21-2-500.

25 (d)(1) The board of registrars shall notify in writing those persons whose provisional
26 ballots were not counted that their ballots were not counted because of the inability of the
27 registrars to verify that the persons timely registered to vote or other proper reason. The
28 registrars shall process the official voter registration form completed by such persons
29 pursuant to Code Section 21-2-418 and shall add such persons to the electors list if found
30 qualified.

31 (2) The board of registrars shall notify in writing those electors who voted in the wrong
32 precinct and whose votes were partially counted of their correct precinct.

PART 2

21-2-430.

In precincts in which ballots are used, the poll officers shall, after taking the oath, publicly open the ballot boxes which have been furnished to them and shall, prior to opening of the polls, totally destroy any ballots and other papers which they may find therein which are not intended for use in such primary or election. When the polling place is opened, the ballot box shall be securely locked and shall not be opened until the close of the polls, as provided in Code Section 21-2-436. At the opening of the polls, the seals of the packages furnished by the superintendent shall be publicly broken and such packages shall be opened by the chief manager. The cards of instruction shall be immediately posted in each voting compartment. Not less than three such cards and notices of penalties shall be immediately posted in or about the voting room outside the enclosed space; and such cards of instruction and notices of penalties shall be given to any elector at his or her request so long as there are any on hand.

21-2-431.

(a) At every primary and election, each elector who desires to vote shall first execute a voter's certificate and hand the same to the poll officer in charge of the electors list. When an elector has been found entitled to vote, the poll officer who examined his or her voter's certificate shall sign his or her name or initials on the voter's certificate and shall, if the voter's signature is not readily legible, print such voter's name under his or her signature. As each elector is found to be qualified and votes, the poll officers shall check off the elector's name on the electors list and shall enter the number of the stub of the ballot issued to him or her, or his or her number in the order of admission to the voting machines, on the voter's certificate of such elector. As each elector votes, his or her name in the order of voting shall be recorded in the numbered list of voters provided for that purpose.

(b) If any elector was unable to sign his or her name at the time of registration or if, having been able to sign his or her name when registered, he or she subsequently shall have become, through physical disability, unable to sign his or her name when he or she applies to vote, he or she shall establish his or her identity to the satisfaction of the poll officers; and in such case he or she shall not be required to sign a voter's certificate, but a certificate shall be prepared for him or her by a poll officer, upon which the facts as to such disability shall be noted and attested by the signature of such poll officer.

(c) Except as provided in Code Sections 21-2-218 and 21-2-386, no person shall vote at any primary or election at any polling place outside the precinct in which such person resides, nor shall such person vote in the precinct in which such person resides unless such

1 person has been registered as an elector and such person's name appears on the electors list
2 of such precinct.

3 21-2-432.

4 After each elector has been admitted to vote, his or her voter's certificate shall be inserted
5 in the binder provided therefor by the registrars, and known as the 'voter's certificate
6 binder,' and such voter's certificates so bound shall constitute the official list of electors
7 voting at such primary or election. All voter's certificates prepared by persons applying to
8 vote whose applications to vote are refused by the poll officers shall be separately
9 preserved and returned to the superintendent with the other papers.

10 21-2-433.

11 (a) No elector shall enter the enclosed space behind the guardrail provided for in
12 subsection (a) of Code Section 21-2-267 until he or she is found entitled to vote.

13 (b) As soon as an elector has been admitted within the enclosed space, the poll officer
14 having charge of the ballots in precincts in which ballots are used shall detach a ballot from
15 the stub and give it to the elector, first folding it so that the words and figures printed on
16 the face shall not be visible, and no ballots shall be deposited in the ballot box unless
17 folded in the same manner. If an elector's right to vote has been challenged for cause under
18 Code Section 21-2-230, the poll officer shall write the word 'Challenged' and the alleged
19 cause of challenge on the back of the ballot. Not more than one ballot shall be detached
20 from its stub in any book of ballots at any one time. Not more than one ballot shall be given
21 to an elector; but, if an elector inadvertently spoils a ballot, such elector may obtain another
22 upon returning the spoiled one. The ballots thus returned shall be immediately canceled and
23 at the close of the polls shall be enclosed in an envelope, which shall be sealed and returned
24 to the superintendent.

25 21-2-434.

26 No official ballot shall be taken or detached from its stub in any book of ballots, except by
27 a poll officer when a person desiring to vote has been found to be an elector entitled to
28 vote. Not more than one ballot shall be removed at any one time or given to an elector,
29 except in the case of a spoiled ballot as provided by this article. No person other than the
30 poll officers shall take or remove any ballot from the polling place. Only official ballots
31 shall be deposited in the ballot box and counted, except as otherwise provided in this
32 article. If any ballot appears to have been obtained otherwise than from the superintendent
33 as provided by this article, the same shall not be counted; and the chief manager shall

1 transmit such ballot to the district attorney without delay, together with whatever
2 information he or she may have regarding the same.

3 21-2-435.

4 (a) In precincts in which ballots are used, the elector, after receiving his or her ballot, shall
5 retire to one of the voting compartments and draw the curtain or shut the screen or door and
6 shall then prepare his or her ballot; provided, however, that an elector may, before entering
7 the voting booth, ask for instructions concerning the manner of voting, and a poll officer
8 shall give him or her such instructions; but no person giving an elector such instructions
9 shall in any manner request, suggest, or seek to persuade or induce any such elector to vote
10 any particular ticket or for any particular candidate or for or against any particular question.
11 After giving such instructions and before the elector closes the booth or votes, the poll
12 officer shall retire and the elector shall forthwith vote.

13 (b) At primaries, the elector shall prepare his or her ballot in the following manner: He or
14 she shall vote for the candidates of his or her choice for ~~nomination or election~~, according
15 to the number of persons to be voted for by him or her, for each office, by making a cross
16 (X) or check (✓) mark in the square opposite the name of each candidate. No elector shall
17 be permitted to cast a write-in ballot ~~in a primary~~. A ballot upon which a voter has marked
18 out or struck through the name of a candidate for whom the voter does not intend to cast
19 his or her vote may be counted if the ballot clearly indicates that candidate for whom the
20 voter desired to cast his or her vote.

21 (c) At elections, the elector shall prepare his or her ballot in the following manner:

22 (1) He or she may vote for the candidates of his or her choice for each office to be filled
23 according to the number of persons to be voted for by him or her for each office, by
24 making a cross (X) or check (✓) mark in the square opposite the name of the candidate;

25 ~~(2) He or she may write, in the blank space provided therefor, any name not already~~
26 ~~printed on the ballot, and such insertion shall count as a vote without the marking of a~~
27 ~~cross (X) or check (✓) mark~~ Reserved;

28 (3) Reserved;

29 (4) If he or she desires to vote for the presidential electors nominated by any party or
30 body, he or she may make a cross (X) or check (✓) mark in the appropriate square at the
31 left of the names of the candidates for President and Vice President of such party or body;

32 (5) In case of a question submitted to the vote of the electors, he or she may make a cross
33 (X) or check (✓) mark in the appropriate square opposite the answer which he or she
34 desires to give.

35 (d) Before leaving the voting compartment, the elector shall fold his or her ballot, without
36 displaying the markings thereon, in the same way it was folded when received by him or

her; and he or she shall then leave the compartment and exhibit the number strip of the ballot to a poll officer who shall ascertain by an inspection of the number appearing thereon whether the ballot so exhibited to him or her is the same ballot which the elector received before entering the voting compartment. If it is the same, the poll officer shall direct the elector, without unfolding the ballot, to remove the perforated portion containing the number, and the elector shall immediately deposit the ballot in the ballot box. The number strip shall be deposited in the stub box provided for such purpose and the number strips shall be retained with the ballots and other stubs. If the ballot is marked 'Challenged,' the numbered perforated portion shall not be removed and the ballot shall be deposited with it attached. Any ballot, other than one marked 'Challenged,' deposited in a ballot box at any primary or election without having such number removed shall be void and shall not be counted.

21-2-436.

After the polls are closed and the last elector has voted in precincts in which ballots are used, at least two poll officers shall remain within the enclosed space. Before the ballot box is opened, the number of ballots issued to electors, as shown by the stubs, and the number of ballots, if any, spoiled and returned by electors and canceled, shall be announced to all present in the voting room and entered upon the general returns of votes cast at such primary or election. The poll officer shall then compare the number of electors voting as shown by the stubs with the number of names shown as voting by the electors list, voter's certificates, and the numbered list of voters, and shall announce the result, and shall enter on the general returns the number of electors who have voted, as shown by the voter's certificates. If any differences exist, they shall be reconciled, if possible; otherwise, they shall be noted on the general returns. The electors list, the voter's certificates, the numbered list of voters, and the stubs of all ballots used, together with all unused ballots, all spoiled and canceled ballots, and all rejected voter's certificates, shall then be placed in separate packages, containers, or envelopes and sealed before the ballot box is opened.

21-2-437.

(a) After the polls close and as soon as all the ballots have been properly accounted for and those outside the ballot box as well as the voter's certificates, numbered list of voters, and electors list have been sealed, the poll officers shall open the ballot box and take therefrom all ballots contained therein. ~~In primaries in which more than one ballot box is used, any ballots or stubs belonging to another party holding its primary in the same polling place shall be returned to the ballot box for the party for which they were issued. In primaries, separate tally and return sheets shall be prepared for each party, and separate poll officers~~

1 ~~shall be designated by the chief manager to count and tally each party's ballot. Where the~~
2 ~~same ballot box is being used by one or more parties, the ballots and stubs shall first be~~
3 ~~divided by party before being tallied and counted.~~ The ballots shall then be counted one by
4 one and a record made of the total number. Then the chief manager, together with such
5 assistant managers and other poll officers as the chief manager may designate, under the
6 scrutiny of one of the assistant managers and in the presence of the other poll officers, shall
7 read aloud the names of the candidates marked or written upon each ballot, together with
8 the office for which the person named is a candidate, and the answers contained on the
9 ballots to the questions submitted, if any; and the other assistant manager and clerks shall
10 carefully enter each vote as read and keep account of the same in ink on a sufficient
11 number of tally papers, all of which shall be made at the same time. All ballots, after being
12 removed from the box, shall be kept within the unobstructed view of all persons in the
13 voting room until replaced in the box. No person, while handling the ballots, shall have in
14 his or her hand any pencil, pen, stamp, or other means of marking or spoiling any ballot.
15 The poll officers shall immediately proceed to canvass and compute the votes cast and shall
16 not adjourn or postpone the canvass or computation until it shall have been fully
17 completed, except that, in the discretion of the superintendent, the poll officers may stop
18 the counting after all contested races and questions are counted, provided that the results
19 of these contested races and questions are posted for the information of the public outside
20 the polling place and the ballots are returned to the ballot box and deposited with the
21 superintendent until counting is resumed on the following day.

22 (b) When the vote cast for the different persons named upon the ballots and upon the
23 questions, if any, appearing thereon, shall have been fully recorded in the tally papers and
24 counted, the poll officers shall duly certify to the number of votes cast for each person and
25 question and shall prepare in ink a sufficient number of general returns. The general returns
26 shall show, in addition to the entries made thereon as aforesaid, the total number of ballots
27 received from the superintendent, the number of ballots cast, the number of ballots declared
28 void, the number of ballots spoiled and canceled, and any blank ballots cast, as well as the
29 votes cast for each candidate. ~~At elections, the number of votes cast for each candidate by~~
30 ~~each political party or body of which such candidate is a nominee shall be separately stated.~~

31 (c) ~~In returning any votes cast for any person whose name is not printed on the ballot, the~~
32 ~~poll officers shall record any such names exactly as they were written on the ballot.~~

33 Reserved.

34 (d) Any ballot marked so as to identify the voter shall be void and not counted, except a
35 ballot cast by a challenged elector whose name appears on the electors list; such challenged
36 vote shall be counted as prima facie valid but may be voided in the event of an election
37 contest. Any ballot marked by anything but pen or pencil shall be void and not counted.

Any erasure, mutilation, or defect in the vote for any candidate shall render void the vote for such candidate but shall not invalidate the votes cast on the remainder of the ballot, if otherwise properly marked. If an elector shall mark his or her ballot for more persons for any ~~nomination or~~ office than there are candidates to be voted for such ~~nomination or~~ office, or if, for any reason, it may be impossible to determine his or her choice for any ~~nomination or~~ office, his or her ballot shall not be counted for such ~~nomination or~~ office; but the ballot shall be counted for all ~~nominations or~~ offices for which it is properly marked. Unmarked ballots or ballots improperly or defectively marked so that the whole ballot is void shall be set aside and shall be preserved with other ballots. In primaries, votes cast for candidates who have died, withdrawn, or been disqualified shall be void and shall not be counted. In elections, votes for candidates who have died or been disqualified shall be void and shall not be counted.

(e) Any ballot marked by any other mark than a cross (X) or check (✓) mark in the spaces provided for that purpose shall be void and not counted; provided, however, that no vote recorded thereon shall be declared void because a cross (X) or check (✓) mark thereon is irregular in form. Notwithstanding any other provisions of this chapter to the contrary, if the voter has marked his or her ballot in such a manner that he or she has indicated clearly and without question the candidate which he or she desires to receive his or her vote, his or her ballot shall be counted and such candidate shall receive his vote.

(f) At primaries and elections, a ballot indicating a write-in vote for any person whose name is not printed on the ballot ~~and who properly gave notice of intent to run as a write-in candidate pursuant to Code Section 21-2-133 shall be counted as a vote for such person, if written in the proper space or spaces provided for that purpose, whether or not a cross (X) or check (✓) mark is placed before the name of such person~~ void and shall not be counted.

21-2-438.

(a) Any ballot marked so as to identify the voter shall be void and not counted, except a ballot cast by a challenged elector whose name appears on the electors list; such challenged vote shall be counted as prima facie valid but may be voided in the event of an election contest. Any ballot marked by anything but pen or pencil shall be void and not counted.

Any erasure, ~~mutilation~~, or defect in the vote for any candidate shall render void the vote for such candidate but shall not invalidate the votes cast on the remainder of the ballot, if otherwise properly marked. If an elector shall mark his or her ballot for more persons for any ~~nomination or~~ office than there are candidates to be voted for such ~~nomination or~~ office, or if, for any reason, it may be impossible to determine his or her choice for any ~~nomination or~~ office, his or her ballot shall not be counted for such ~~nomination or~~ office;

1 but the ballot shall be counted for all ~~nominations or~~ offices for which it is properly
2 marked. Ballots not marked or improperly or defectively marked so that the whole ballot
3 is void, shall be set aside and shall be preserved with the other ballots. In primaries, votes
4 cast for candidates who have died, withdrawn, or been disqualified shall be void and shall
5 not be counted. In elections, votes for candidates who have died or been disqualified shall
6 be void and shall not be counted.

7 (b) At elections, any ballot marked by any other mark than a cross (X) or check (✓) mark
8 in the spaces provided for that purpose shall be void and not counted; provided, however,
9 that no vote recorded thereon shall be declared void because a cross (X) or check (✓) mark
10 thereon is irregular in form. A cross (X) or check (✓) mark in the square opposite the
11 names of the nominees of a political party or body for the offices of President and Vice
12 President shall be counted as a vote for every candidate of that party or body for the offices
13 of presidential electors. Any ballot indicating a write-in for any person whose name is not
14 printed on the ballot ~~and who properly gave notice of intent to run as a write-in candidate~~
15 ~~pursuant to Code Section 21-2-133 shall be void and shall not be counted as a vote for such~~
16 ~~person, if written in the proper space or spaces provided for that purpose, whether or not~~
17 ~~a cross (X) or check (✓) mark is placed before the name of such person.~~

18 (c) Notwithstanding any other provisions of this chapter to the contrary and in accordance
19 with the rules and regulations of the State Election Board promulgated pursuant to
20 paragraph (7) of Code Section 21-2-31, if the elector has marked his or her ballot in such
21 a manner that he or she has indicated clearly and without question the qualified candidate
22 for whom he or she desires to cast his or her vote, his or her ballot shall be counted and
23 such candidate shall receive his or her vote, notwithstanding the fact that the elector in
24 indicating his or her choice may have marked his or her ballot in a manner other than as
25 prescribed by this chapter.

26 21-2-439.

27 Decisions concerning questionable marks on ballots or defacing or mutilation of ballots and
28 the count to be recorded thereon shall be made by the assistant managers; and, if they
29 disagree, the chief manager shall make the decision.

30 21-2-440.

31 (a) Immediately after the vote has been counted in precincts in which paper ballots are
32 used, all of the general returns shall be signed by the poll officers. If any poll officer shall
33 refuse to sign or certify the general returns, he or she shall write his or her reasons therefor
34 upon the general return sheets. One of such returns shall be immediately posted for the
35 information of the public outside the polling place or place of tabulation, one of such

1 returns shall be returned sealed to the superintendent in an envelope prepared for the
2 Secretary of State or the city clerk, and one shall be entrusted to the chief manager for
3 delivery to the superintendent with the package of unused ballots and other election
4 supplies in an envelope provided for that purpose. The poll officer shall then replace all the
5 ballots cast, so counted and canvassed, in the ballot boxes, including those declared void,
6 spoiled, and canceled, together with the voter's certificates, one set of the tally papers, one
7 general return sheet, one numbered list of voters, sealed as provided in this subsection, and
8 one oath of each poll officer, and lock and seal each ballot box so that nothing can be
9 inserted therein until it is opened again; and the chief manager and an assistant manager
10 shall immediately deliver the ballot boxes to the custody of the superintendent. The
11 superintendent shall not compute any returns from any precinct until the ballot boxes
12 therefor, as well as the package of unused ballots and other election supplies therefrom, are
13 so delivered.

14 (b) The tally papers, affidavits of voters and others, including oaths of poll officers, and
15 one general return sheet shall be placed in separate envelopes to be provided for that
16 purpose and sealed as soon as the count is finally completed. All of such envelopes and one
17 numbered list of voters, previously sealed as provided in subsection (a) of this Code
18 section, shall be entrusted to the chief manager to be delivered immediately to the
19 superintendent.

20 (c) Immediately upon completion of the count and tabulation of the votes cast, the electors
21 list shall be sealed and returned by the chief manager to the superintendent, who shall
22 transmit it to the registrars.

23 PART 3

24 21-2-450.

25 (a) In the precincts in which voting machines are used, the seals of the package furnished
26 by the superintendent shall be publicly broken at the opening of the polls and such package
27 shall be opened by the chief manager. Not less than three cards of instruction and notices
28 of penalties, and not less than two diagrams of the face of the machine shall be immediately
29 posted in or about the voting room outside the enclosed space; and such cards and notices
30 of penalties shall be given to any elector at his or her request, so long as there are any on
31 hand. The managers, before opening the envelope containing the keys which unlock the
32 operating mechanism and registering counters or counter compartment of the voting
33 machine, shall examine the number of the seal on the machine and the number registered
34 on the protective counter or device and shall see whether they are the same as the numbers
35 written on the envelope containing the keys. If either number shall be found not to agree,

1 the envelope shall remain unopened until the poll officers shall have notified the proper
2 custodian of voting machines, or the superintendent and until the custodian or some other
3 person authorized by the superintendent shall have presented himself or herself at the
4 polling place for the purpose of reexamining the machine and shall have certified that it is
5 properly arranged. But, if the numbers on the seal and the protective counter or device shall
6 both be found to agree with the numbers on the envelope, the envelope shall be opened, and
7 where the voting machine provided is not equipped with a mechanism for printing paper
8 proof sheets, the poll officers shall examine the registering counters and, for that purpose,
9 shall open the doors concealing such counter, if the construction of the voting machine
10 shall so require; and, before the polls are opened, each manager shall carefully examine
11 every counter and shall see that it registers zero. When the voting machine provided is
12 equipped with a mechanism for printing paper proof sheets and requires the simultaneous
13 use of three keys to unlock the registering counters or counter compartment, the chief
14 manager shall deliver one of the two keys to an assistant manager, to be retained by him
15 or her, and shall then print at least two proof sheets, one of which each manager shall
16 carefully examine to ascertain whether every counter registers zero and shall then preserve
17 such proof sheets to be signed by them and returned to the superintendent, with the
18 duplicate return sheet, and shall sign and post the other proof sheet upon the wall of the
19 polling place, where it shall remain until the polls are closed. The key delivered by the
20 chief manager to such assistant manager, as provided in this subsection, shall be retained
21 by him or her until the polls have been closed; and the voting and counting mechanism of
22 the machine shall have been locked and sealed against voting and shall then be returned to
23 the chief manager, for return by him or her to the superintendent, as provided in this part.

24 (b) If the ballot labels containing the names of officers, political parties and bodies,
25 candidates, and questions shall not be in their proper places on the voting machine, the poll
26 officers shall immediately notify the proper custodian of voting machines or the
27 superintendent, and the machine shall not be used until the custodian or some other person
28 authorized by the superintendent shall have supplied ballot labels as provided in this
29 subsection. If the ballot labels for a voting machine shall not be delivered at the time
30 required or, if after delivery, they shall be lost, destroyed, or stolen, the superintendent or
31 custodian shall cause other ballot labels to be prepared, printed, or written, as nearly in the
32 form of the official ballot labels as practicable, and shall cause such ballot labels to be used
33 in the same manner, as nearly as may be, as the official ballot labels would have been used.

34 (c) The managers shall sign a certificate showing:

- 35 (1) The identifying number or other designation of the voting machine;
- 36 (2) The delivery of the keys in a sealed envelope;
- 37 (3) The number on the seal upon the machine;

1 (4) The number registered on the protective counter or device;

2 (5) That all the counters were set at zero; and

3 (6) That the ballot labels are properly placed in the machine,

4 which certificate shall be returned by the chief manager to the superintendent with the other
5 certificates, as provided in this part.

6 (d) The machine shall remain locked against voting until the polls are opened and shall not
7 be operated except by electors in voting. If any counter is found not to register zero, the
8 poll officers shall immediately notify the custodian or the superintendent, who shall, if
9 practicable, adjust or cause the counters to be adjusted at zero; but, if it shall be found
10 impracticable for the custodian or other person authorized by the superintendent to arrive
11 in time so as to adjust such counters before the time set for opening the polls, the poll
12 officers shall immediately make a written record of the designation or designating letter or
13 number of such counter, together with the number registered thereon (called the initial
14 number below) and shall sign and post the same upon the wall of the polling place, where
15 it shall remain until the polls are closed; provided, however, that if the voting machine used
16 is equipped with a mechanism for printing paper proof sheets, in any case where any
17 counter is shown by such proof sheet not to register zero, if it shall be found impracticable
18 to have such counter adjusted before the time set for opening the polls, the poll officer shall
19 sign such printed proof sheet and post the same upon the wall of the polling place where
20 it shall remain until the polls are closed; and, in filling out the returns of the election, if the
21 final number of such counter is greater than the initial number, the poll officers shall
22 subtract the initial number from the final number and enter the difference on the returns as
23 the vote for the candidate or on the question represented by such counter; if the final
24 number of such counter is less than the initial number, the poll officers shall add 1,000 to
25 the final number, shall subtract the initial number from the sum so ascertained, and shall
26 enter upon the returns as the vote for the candidate or on the question represented by such
27 counter the final plus 1,000 less the initial number.

28 (e) The exterior of the voting machine and every part of the polling place shall be in plain
29 view of the poll officers. The voting machine shall be located at the polling place, at least
30 six feet back of the guardrail or barrier, in such a position that, unless its construction shall
31 require otherwise, the ballot labels on the face of the machine can be seen plainly by the
32 poll officers when the machine is not occupied by an elector.

33 (f) The poll officers shall not themselves be, nor allow any other person to be, in any
34 position that will permit anyone to see or ascertain how an elector votes or how he or she
35 has voted. A poll officer shall inspect the face of the machine at least once every hour
36 during the time when the polls are open to see that the ballot labels are in their proper
37 places and that the machine has not been damaged or tampered with.

(g) If during the primary or election a voting machine becomes inoperative in such manner that it cannot be readily repaired without exposing the count on the candidate counters, the poll officer shall immediately lock and seal the operating lever or mechanism of the machine so that the voting and counting mechanism will be prevented from operation. Upon the close of the polls, the poll officers shall perform their duties set forth in Code Sections 21-2-454 through 21-2-457 with respect to such machine. If necessary, because of the lack of another machine or other machines for use by the electors, after a voting machine becomes inoperative, paper ballots shall be used.

21-2-451.

(a) At every primary and election, each elector who desires to vote shall first execute a voter's certificate and hand the same to the poll officer in charge of the electors list. When an elector has been found entitled to vote, the poll officer who examined his or her voter's certificate shall sign his or her name or initials on the voter's certificate and shall, if the voter's signature is not readily legible, print such voter's name under his or her signature. As each elector is found to be qualified and votes, the poll officers shall check off the elector's name on the electors list and shall enter the number of the stub of the ballot issued to him or her, or his or her number in the order of admission to the voting machines, on the voter's certificate of such elector. As each elector votes, his or her name in the order of voting shall be recorded in the numbered list of voters provided for that purpose.

(b) If any elector was unable to sign his or her name at the time of registration or, if having been able to sign his or her name when registered, he or she subsequently shall have become, through physical disability, unable to sign his or her name when he or she applies to vote, he or she shall establish his or her identity to the satisfaction of the poll officers; and in such case he or she shall not be required to sign a voter's certificate, but a certificate shall be prepared for him or her by a poll officer, upon which the facts as to such disability shall be noted and attested by the signature of such poll officer.

(c) Except as provided in Code Sections 21-2-218 and 21-2-386, no person shall vote at any primary or election at any polling place outside the precinct in which such person resides, nor shall such person vote in the precinct in which such person resides unless such person has been registered as an elector and such person's name appears on the electors list of such precinct.

21-2-452.

(a) No elector shall enter the enclosed space behind the guardrail provided for in subsection (a) of Code Section 21-2-267 until he or she is found entitled to vote, after

1 which he or she shall be admitted to the voting machine booth as soon as it is vacant and
2 shall be permitted to vote.

3 ~~(b) At primaries, before an elector is admitted to the voting machine, it shall be adjusted~~
4 ~~by the poll officer in charge thereof so that such elector will only be able to vote for the~~
5 ~~candidates of the party in whose primary he or she is then participating~~ Reserved.

6 (c) At primaries or elections, an elector shall vote for each candidate individually by
7 operating the key, handle, pointer, or knob upon or adjacent to which the name of such
8 candidate is placed. In the case of a question submitted to the vote of the electors, the
9 elector shall operate the key, handle, pointer, or knob corresponding to the answer which
10 he or she desires to give.

11 (d) An elector may, at any election, vote for any person for any office, for which office his
12 or her name does not appear upon the voting machine as a candidate, by a write-in ballot
13 containing the name of such person, such ballot to be deposited, written, or affixed (but not
14 by the use of a sticker or paster) in or upon the appropriate receptacle or device provided
15 in or on the machine for that purpose, and in no other manner. ~~Where two or more persons~~
16 ~~are to be elected to the same office and the names of such candidates are placed upon or~~
17 ~~adjacent to a single key, handle, pointer, or knob, and the voting machine requires that all~~
18 ~~write-in ballots voted for that office be deposited, written, or affixed in or upon a single~~
19 ~~receptacle or device, an elector may vote in or by such receptacle or device for one or more~~
20 ~~persons whose names do not appear upon the machine, with or without the name of one or~~
21 ~~more persons whose names do so appear. With these exceptions, no write-in ballot shall~~
22 ~~be cast on a voting machine for any person for any office if the person's name appears on~~
23 ~~the machine as a candidate for that office, and any ballot so cast shall be void and not~~
24 ~~counted. No elector shall be permitted to cast a write-in ballot in a municipal primary.~~

25 (e) At any general election at which presidential electors are to be chosen, each elector
26 shall be permitted to vote by one operation for all the presidential electors of a political
27 party or body. For each party or body nominating presidential electors, a ballot label shall
28 be provided containing only the words 'Presidential Electors,' preceded by the name of the
29 party or body and followed by the names of the candidates thereof for the office of
30 President and Vice President, and the corresponding counter or registering device shall
31 register votes cast for such presidential electors when thus voted for collectively. ~~If an~~
32 ~~elector desires to vote a ticket for presidential electors made up of the names of persons~~
33 ~~nominated by different parties or bodies, or partially of names of persons so in nomination~~
34 ~~and partially of names of persons not in nomination by any party or body, or wholly of~~
35 ~~names of persons not in nomination by any party or body, he or she may write or deposit~~
36 ~~a paper ballot prepared by himself or herself in the receptacle provided in or on the~~
37 ~~machine for the purpose. The machine shall be so constructed that it will not be possible~~

1 ~~for any one elector to vote a straight party or body ticket for presidential electors and at the~~
2 ~~same time to deposit a ballot for presidential electors in such receptacle. When the votes~~
3 ~~for presidential electors are counted, the votes appearing upon the counter or registering~~
4 ~~device corresponding to the ballot label containing the names of the candidates for~~
5 ~~President and Vice President of any party or body shall be counted as votes for each of the~~
6 ~~candidates for presidential elector of such party or body; and thereupon all candidates for~~
7 ~~presidential elector shall be credited, in addition, with the votes cast for them upon the~~
8 ~~ballots deposited in the machine, as provided in this Code section.~~

9 (f) As soon as the elector has adjusted the voting machine so that it will record his or her
10 choice for the various candidates to be voted for and his or her answers to the various
11 questions are submitted, he or she shall operate the recording mechanism and immediately
12 leave the voting machine booth.

13 (g) If an elector's right to vote has been challenged pursuant to Code Section 21-2-230,
14 the elector shall not be permitted to vote on the voting machine but shall vote by ballot in
15 the manner prescribed by this chapter.

16 (h) The superintendent shall make paper ballots available for disabled electors who, due
17 to their disability, are unable to vote on a voting machine. Absentee ballots may be used
18 for this purpose. The superintendent shall provide sufficient accommodations to permit
19 such disabled elector to vote in private.

20 21-2-453.

21 After each elector has been admitted to vote, his or her voter's certificate shall be inserted
22 in the binder provided therefor and known as the 'voter's certificate binder.' Such voter's
23 certificates so bound shall constitute the official list of electors voting at such primary or
24 election. All voter's certificates prepared by persons applying to vote whose applications
25 to vote are refused by the poll officers shall be separately preserved and returned to the
26 superintendent with the other papers.

27 21-2-454.

28 (a) As soon as the polls are closed and the last elector has voted, the poll officers shall
29 immediately lock and seal the operating lever or mechanism of the machine so that the
30 voting and counting mechanism will be prevented from operation, and they shall then sign
31 a certificate stating:

- 32 (1) That the machine has been locked against voting and sealed;
- 33 (2) The number, as shown on the public counter;
- 34 (3) The number on the seal which they have placed upon the machine;
- 35 (4) The number registered on the protective counter or device; and

1 (5) The number or other designation of the voting machine,
2 which certificate shall be returned by the chief manager to the superintendent with the other
3 certificates, as provided in this part.

4 (b) The poll officers shall then compare the number, as shown by the public counter of the
5 machine, with the number of names appearing on the numbered list of voters, the electors
6 list, and voter's certificates, which shall then be placed in separate packages, containers,
7 or envelopes and sealed.

8 21-2-455.

9 (a) If the type of voting machine provided shall require the counters to be seen in order to
10 enable the poll officers to canvass the vote, the poll officers, in the presence of all persons
11 within the polling place, shall then make visible the registering counters and, for that
12 purpose, shall unlock and open the doors, or other covering concealing the same, giving
13 full view of all the counter numbers. If the voting machine is equipped with a mechanism
14 for printing paper proof sheets the poll officers shall immediately print not less than four
15 proof sheets and as many more as may be requested by those present, to the extent of the
16 machine's capacity. The chief manager and an assistant manager shall then, under the
17 scrutiny of the other assistant manager, and in the order of the offices as their titles are
18 arranged on the machine, read from the counters or from one of the proof sheets, as the
19 case may be, and announce, in distinct tones, the designation or designating number and
20 letter on each counter for each candidate's name, the result as shown by the counter
21 numbers, the votes recorded for each candidate for office for persons other than nominated
22 ~~candidates~~, and the designation or designating numbers and letters on each counter, and the
23 results as shown by the counter numbers for and against each question voted on. The
24 counters shall not be read consecutively along the party or body rows or columns but shall
25 always be read along the office columns or rows, completing the canvass for each office
26 or question before proceeding to the next.

27 (b) The vote as registered shall be entered by the poll officers, in ink, on duplicate return
28 sheets and also on a general return sheet and statement, all of which, after the canvass is
29 completed, shall be signed by the poll officers. If any poll officer shall refuse to sign or
30 certify the general or duplicate return sheets or statement, he or she shall write his or her
31 reasons therefor upon such sheets. The vote for presidential electors shall be computed and
32 returned as provided in subsection (e) of Code Section 21-2-452. If more than one voting
33 machine is used in any precinct, the vote registered on each machine shall be ascertained
34 in like manner and separately entered in appropriate spaces on the general and duplicate
35 return sheets and statement. The total vote cast for each candidate and for and against each
36 question shall then be computed and entered on the general and duplicate return sheets and

1 statement. There shall also be entered on the general return sheet and statement the number
2 of electors who have voted, as shown by the numbered list of voters, electors list, and
3 voter's certificates, and the number on each machine, as shown by the public counters. The
4 number registered on the protective counter or device on each machine immediately prior
5 to the opening of the polls and immediately after the closing thereof and sealing of the
6 machine and the number or other designation of each machine used shall also be entered
7 thereon. In the case of primaries, duplicate return sheets shall be prepared as for other
8 elections. The registering counters of the voting machine or the paper proof sheets, as the
9 case may be, shall remain exposed to view until the said returns and all other reports have
10 been fully completed and checked by the poll officers. During such time, anyone who may
11 desire to be present shall be admitted to the polling place.

12 (c) The proclamation of the result of the votes cast shall be announced distinctly and
13 audibly by the chief manager, who shall read the name of each candidate, the designation
14 or designating numbers and letters of his or her counters, and the vote registered on each
15 counter, as well as the vote cast for and against each question submitted. During such
16 proclamation, ample opportunity shall be given to any person lawfully present to compare
17 the results so announced with the counter dials of the machine or with the paper proof
18 sheets, as the case may be, and any necessary corrections shall then and there be made by
19 the poll officers, after which the doors or other cover of the voting machine shall be closed
20 and locked. Any ballots written, deposited, or affixed in or upon the voting machine shall
21 be enclosed in properly sealed packages and properly endorsed and shall be delivered by
22 the chief manager as provided in this part. The chief manager shall promptly deliver to the
23 superintendent or his or her representative the keys of the voting machine, enclosed in a
24 sealed envelope, if the construction of the voting machine shall permit their separate return.
25 Such envelope shall have endorsed thereon a certificate of the poll officers stating the
26 number of the machine, the precinct where it has been used, the number on the seal, and
27 the number on the protective counter or device at the close of the polls.

28 (d) The poll officers, on the returns provided for in this Code section, shall not record any
29 votes which have been cast by means of a write-in ballot for a person whose name is not
30 printed on the ballot labels. ~~In returning any such votes which have been written, deposited,~~
31 ~~or affixed upon receptacles or devices provided for the purpose, the poll officers shall~~
32 ~~record any such names exactly as they were written, deposited, or affixed.~~

1 21-2-456.

2 (a) The general return sheets, duplicate return sheets, and statement shall be printed to
3 conform with the type of voting machine used and in form approved by the Secretary of
4 State. The designating number and letter, if any, on the counter for each candidate shall be
5 printed thereon opposite the candidate's name. Immediately after the vote has been
6 ascertained, the statement thereof shall be posted on the door of the polling place. Duplicate
7 return sheets, voter's certificates, numbered list of voters, oaths of poll officers, and
8 affidavits of voters and others shall be sealed and given to the chief manager, who shall
9 deliver them, together with the general return sheet and the package of ballots deposited,
10 written, or affixed in or upon the voting machine, to the superintendent. The voter's
11 certificates, rejected voter's certificates, and oaths of assisted voters shall be sealed in a
12 separate envelope addressed to the board of registrars and bearing a list of its contents on
13 the outside. This envelope shall be immediately delivered by the managers into the custody
14 of the superintendent. If the type of voting machine is equipped with a mechanism for
15 printing paper proof sheets, one of such proof sheets shall be posted on the door of the
16 polling place with such statement; one shall be returned with a precinct return sheet sealed
17 in an envelope prepared for the Secretary of State; one shall be placed in the envelope and
18 delivered with the general return sheet; and one shall be sealed in the envelope with the
19 duplicate return sheets and delivered by the chief manager to the superintendent. The
20 printed proof sheet returned with the general return sheet and the printed proof sheet
21 returned with the duplicate return sheet shall each be part of the return of the primary or
22 election.

23 (b) Immediately upon the completion of the count and tabulation of the vote cast, the
24 electors list shall be sealed and returned immediately by the chief manager to the
25 superintendent, who shall transmit it to the registrars.

26 21-2-457.

27 As soon as possible after the completion of the count in precincts in which voting machines
28 are used, the superintendent shall have the voting machines removed to the place of storage
29 provided for in this chapter. The voting machines shall remain locked against voting for
30 the period of ten days next following each primary and election, and as much longer as may
31 be necessary or advisable because of any existing or threatened contest over the result of
32 the primary or election, with due regard for the date of the next following primary or
33 election, except that they may be opened and all the data and figures therein examined
34 under this chapter, by order of any superior court of competent jurisdiction, or by direction
35 of any legislative committee to investigate and report upon contested primaries or elections

affected by the use of such machines. Such data and such figures shall be examined by such committee in the presence of the officer having the custody of such machines.

PART 4

~~21-2-470 through 21-2-473.~~

Reserved.

PART 5

21-2-480.

(a) At the top of each ballot for an election in a precinct using optical scanning voting equipment shall be printed in prominent type the words 'OFFICIAL BALLOT,' followed by the designation of the precinct for which it is prepared and the name and date of the election.

(b) Immediately under this caption on a ballot presenting the names of candidates for election to office, the following directions shall be printed, insofar as the same may be appropriate for the election involved:

(1) Optical scanners using ovals or squares. To vote blacken the oval or square (☐ ☐) next to the candidate of your choice. ~~To vote for a person whose name is not on the ballot, manually write his or her name in the write-in section and blacken the oval or square next to the write-in section.~~ If you spoil your ballot, do not erase, but ask for a new ballot. Use only the pen or pencil provided.

(2) Optical scanners using arrows. To vote, complete the arrow (☐) to the right of the name of the candidate for whom you wish to vote. ~~To vote for a person whose name is not on the ballot, manually write his or her name in the write-in space provided and complete the arrow.~~ If you spoil your ballot, do not erase, but ask for a new ballot. Use only the pen or pencil provided.

(3) Marks made in violation of these directions shall be disregarded in the counting of the votes cast. ~~The names of the persons inserted on the ballot by the elector shall be manually written only within the write-in section and the insertion of such names outside such section or by the use of a sticker, paster, stamp, or other printed or written matter is prohibited.~~

(c) The ballot for each candidate ~~or group of candidates nominated by a party or body~~ for partisan office shall contain the name or designation of the party or body with which such candidate has expressed a preference, if any, or in the absence of such preference shall contain the designation of independent.

1 (d) The titles of offices may be arranged horizontally with the names of candidates for an
2 office arranged transversely under the title of the office. The incumbency of a candidate
3 seeking election for the public office he or she then holds shall be indicated on the ballot.

4 (e) The form and arrangement of ballots shall be prepared by the superintendent.

5 ~~(f) Unless a candidate has filed with his or her nominating petition a certificate from a~~
6 ~~political party or body attesting that such candidate is the nominee of such party or body~~
7 ~~by virtue of having been nominated in a duly constituted party or body convention, the~~
8 ~~candidate's name shall appear on the ballot as an independent~~ Reserved.

9 (g) When presidential electors are to be elected, the ballot shall not list the individual
10 names of the candidates for presidential electors but shall list the names of each political
11 party and body and the names of the political party or body candidates for the office of
12 President and Vice President. The individual names or the nominees of each political party
13 or body for such offices shall be posted at each polling place with the sample ballots
14 required by subsection (c) of Code Section 21-2-375 arranged alphabetically under the
15 names of the candidates of the party or body for President and Vice President of the United
16 States. A vote for the candidates for President and Vice President of a political party or
17 body shall be deemed to be a vote for each of the candidates for presidential electors of
18 such political party or body.

19 (h) When proposed constitutional amendments or other questions are submitted to a vote
20 of the electors, each amendment or other question so submitted may be printed upon the
21 ballot below the groups of candidates for the various offices. Proposed constitutional
22 amendments so submitted shall be printed in the order determined by the Constitutional
23 Amendments Publication Board and in brief form as directed by the General Assembly or,
24 in the event of a failure to so direct, the form shall be determined by the Secretary of State
25 and shall include the short title or heading provided for in subsection (c) of Code Section
26 50-12-101. Unless otherwise provided by law, any other state-wide questions so submitted
27 shall be printed in brief form as directed by the General Assembly or, in the event of a
28 failure to so direct, the form shall be determined by the Secretary of State; and any local
29 questions so submitted shall be printed in brief form as directed by the General Assembly
30 or, in the event of a failure to so direct, the form shall be determined by the superintendent.
31 Next to the question there shall be placed the words 'YES' and 'NO' together with
32 appropriate ovals or squares or broken arrows to be marked.

33 (i) The ballots shall vary in form only as the names of precincts, offices, candidates, or this
34 chapter may require.

1 21-2-481.

2 Ballots in a precinct using optical scanning voting equipment shall be of suitable design,
3 size, and stock to permit processing by a tabulating machine and shall be printed in black
4 ink on white or colored material. A serially numbered strip shall be attached to each ballot
5 to be counted by a central count tabulator.

6 21-2-482.

7 Ballots in a precinct using optical scanning voting equipment for use by absentee electors
8 shall be prepared sufficiently in advance by the superintendent and shall be delivered to the
9 board of registrars as provided in Code Section 21-2-384. Such ballots shall be marked
10 'Official Absentee Ballot' and shall be in substantially the form for ballots required by
11 Article 8 of this chapter, except that in counties or municipalities using voting machines,
12 direct recording electronic (DRE) units, or optical scanners, the ballots may be in
13 substantially the form for the ballot labels required by Article 9 of this chapter or in such
14 form as will allow the ballot to be machine tabulated. Every such ballot shall have printed
15 on the face thereof the following: 'I understand that the offer or acceptance of money or any
16 other object of value to vote for any particular candidate, list of candidates, issue, or list of
17 issues included in this election constitutes an act of voter fraud and is a felony under
18 Georgia law.' The form for either ballot shall be determined and prescribed by the
19 Secretary of State.

20 21-2-483.

21 (a) In primaries and elections in which optical scanners are used, the ballots shall be
22 counted at the precinct or tabulating center under the direction of the superintendent. All
23 persons who perform any duties at the tabulating center shall be deputized by the
24 superintendent, and only persons so deputized shall touch any ballot, container, paper, or
25 machine utilized in the conduct of the count or be permitted to be inside the area designated
26 for officers deputized to conduct the count.

27 (b) All proceedings at the tabulating center and precincts shall be open to the view of the
28 public, but no person except one employed and designated for the purpose by the
29 superintendent or the superintendent's authorized deputy shall touch any ballot or ballot
30 container.

31 (c) At the tabulating center, the seal on each container of ballots shall be inspected, and
32 it shall be certified that the seal has not been broken before the container is opened. The
33 ballots and other contents of the container shall then be removed, and the ballots shall be
34 prepared for processing by the tabulating machines. The ballots of each polling place shall
35 be plainly identified and cannot be commingled with the ballots of other polling places.

(d) Upon completion of tabulation of the votes, the superintendent shall cause to be completed and signed a ballot recap form, in sufficient counterparts, showing:

- (1) The number of valid ballots, including any that are damaged;
- (2) The number of spoiled and invalid ballots; and
- (3) The number of unused ballots.

The superintendent shall cause to be placed one copy of the recap form and the defective, spoiled, and invalid ballots, each enclosed in an envelope, in the ballot supply container.

~~(e) For any election for which there is a qualified write-in candidate, the feature on precinct count and central count tabulators allowing separation of write-in votes shall be utilized. If any vote cast on the write-in ballot in combination with the vote cast for the same office on the ballot exceeds the allowed number for the office, the vote cast for that office only shall not be counted. In the discretion of the superintendent, either a duplicate ballot shall be made on which any invalid vote shall be omitted or the write-in ballot and the ballot shall be counted in such manner as may be prescribed by State Election Board rules, omitting the invalid vote. Reserved.~~

(f) If it appears that a ballot is so torn, bent, or otherwise defective that it cannot be processed by the tabulating machine, the superintendent, in his or her discretion, may order the proper election official at the tabulating center or precinct to prepare a true duplicate copy for processing with the ballots of the same polling place, which shall be verified in the presence of a witness. All duplicate ballots shall be clearly labeled by the word 'duplicate,' shall bear the designation of the polling place, and shall be given the same serial number as the defective ballot. The defective ballot shall be retained.

(g)(1) The precinct tabulator shall be programmed to return to the voter at the time that the voter inserts the ballot any ballot on which an overvote is indicated, along with any ballot that cannot be processed by the tabulator for reevaluation or correction or spoiling of the ballot, and a new ballot shall be issued if the voter desires to vote another ballot in order to correct mistakes, overvotes, or other problems.

(2)(A) The central tabulator shall be programmed to reject any ballot, including absentee ballots, on which an overvote is detected and any ballot so rejected shall be manually reviewed by the vote review panel described in this Code section to determine the voter's intent as described in subsection (c) of Code Section 21-2-438.

(B) In a partisan election, the vote review panel shall be composed of the election superintendent or designee thereof and one person appointed by the county executive committee of each political party and body having candidates whose names appear on the ballot for such election, provided that, if there is no organized county executive committee for a political party or body, the person shall be appointed by the state executive committee of the political party or body. In a nonpartisan election, the panel

1 shall be composed of the election superintendent or designee thereof and two electors
2 of the county, in the case of a county election, or the municipality, in the case of a
3 municipal election, appointed by the chief judge of the superior court of the county in
4 which the election is held or, in the case of a municipality which is located in more than
5 one county, of the county in which the city hall of the municipality is located. The
6 panel shall manually review all ballots rejected by the tabulator under subparagraph (A)
7 of this paragraph and shall determine by majority vote whether the elector's intent can
8 be determined as described in subsection (c) of Code Section 21-2-438 and, if so, said
9 vote shall be counted as the elector intended. In the event of a tie vote by the vote
10 review panel, the vote of the election superintendent or designee thereof shall control.

11 (h) The official returns of the votes cast on ballots at each polling place shall be printed
12 by the tabulating machine. The returns thus prepared shall be certified and promptly posted.
13 The ballots, spoiled, defective, and invalid ballots, and returns shall be filed and retained
14 as provided by law.

15 21-2-484.

16 Upon completion of voting, the manager shall prepare and sign a ballot recap form, in
17 sufficient counterparts, showing:

- 18 (1) The number of valid ballots, including any that are damaged;
- 19 (2) The number of spoiled and invalid ballots; and
- 20 (3) The number of unused ballots.

21 The manager shall then place one copy of the recap form and the defective, spoiled, and
22 invalid ballots, each enclosed in an envelope, in the ballot container or in the case of
23 counties using a central count tabulating system, in a separate envelope container, along
24 with the voted ballots, which shall be sealed by the manager so that it cannot be opened
25 without breaking the seal. The manager and one poll officer shall then deliver the ballot
26 container and the envelope container, if applicable, to the tabulating machine center or
27 other place designated by the superintendent and shall receive a receipt therefor. The copies
28 of the recap forms, unused ballots, records, and other materials shall be returned to the
29 designated location.

30 21-2-485.

31 As soon as the polls are closed and the last elector has voted in precincts in which optical
32 scanners are used, the poll officers shall:

- 33 (1) For central count optical scan ballots:

- 34 (A) Seal the ballot box and deliver the ballot box to the tabulating center, as designated
35 by the superintendent; and

1 (B)(i) Examine the ballots and ~~separate those ballots containing write-in votes.~~

2 ~~(ii) Record in ink the designation of the polling place and a serial number on all~~
3 ~~write-in ballots, starting with the number one, and place the same number on the~~
4 ~~ballot voted by the same elector, so that write-in ballots may be identified with the~~
5 ~~corresponding ballots.~~

6 ~~(iii) After the write-in ballots have been so marked, place the write-in ballots in an~~
7 ~~envelope marked 'Write-in Ballots' and designate the polling place and the number of~~
8 ~~write-in ballots contained therein on such envelope, which shall be sealed and signed~~
9 ~~by the managers and placed in the ballot container with the other ballots.~~

10 ~~(iv) Place place any ballot that is so torn, bent, or mutilated that it may not be counted~~
11 ~~by the tabulating machine in an envelope marked 'Defective Ballots' and place the~~
12 ~~envelope in the container with other ballots; and~~

13 (2) For precinct count optical scan ballots:

14 (A) Feed ballots from the auxiliary compartment of the ballot box, if any, through the
15 tabulator; and

16 (B) After all ballots have been fed through the tabulator the poll officer shall cause the
17 tabulator to print out a tape with the total votes cast in each election.

18 ~~21-2-486.~~

19 ~~The superintendent, in computing the votes cast at any election, shall compute and certify~~
20 ~~only those write-in votes properly cast for candidates who have given proper notice of~~
21 ~~intent to be write-in candidates pursuant to Code Section 21-2-133 exactly as such names~~
22 ~~were written by the elector.~~

23 ARTICLE 12

24 ~~21-2-490.~~

25 (a) Each superintendent shall cause his or her office to remain open during the entire
26 duration of each primary and election and after the close of the polls, until all the ballot
27 boxes and returns have been received in the office of the superintendent or received in such
28 other place as has been designated by him or her.

29 (b) The chairperson of the county board of registrars shall cause his or her office to remain
30 open during the entire duration of each primary and election and after the close of the polls,
31 until completion of the duties of said board. The provisions of this subsection shall not
32 apply with respect to such offices in counties of this state having a population of 550,000
33 or more according to the United States decennial census of 1970 or any future such census.

1 21-2-491.

2 The general returns from the various precincts which have been returned unsealed shall be
3 open to public inspection at the office of the superintendent as soon as they are received
4 from the chief managers. None of the envelopes sealed by poll officers and entrusted to the
5 chief manager for delivery to the superintendent shall be opened by any person except by
6 order of the superintendent or of a court of competent jurisdiction.

7 21-2-492.

8 The superintendent shall arrange for the computation and canvassing of the returns of votes
9 cast at each primary and election at his or her office or at some other convenient public
10 place at the county seat or municipality with accommodations for those present insofar as
11 space permits. An interested candidate or his or her representative shall be permitted to
12 keep or check his or her own computation of the votes cast in the several precincts as the
13 returns from the same are read, as directed in this article. The superintendent shall give at
14 least one week's notice prior to the primary or election by publishing same in a
15 conspicuous place in the county courthouse or city hall, of the time and place when and
16 where he or she will commence and hold his or her sessions for the computation and
17 canvassing of the returns; and he or she shall keep copies of such notice posted in his or her
18 office during such period. The superintendent shall procure a sufficient number of blank
19 forms of returns made out in the proper manner and headed as the nature of the primary or
20 election may require, for making out full and fair statements of all votes which shall have
21 been cast within the county or any precinct therein, according to the returns from the
22 several precincts thereof, for any person voted for therein, or upon any question voted upon
23 therein. The assistants of the superintendent in the computation and canvassing of the votes
24 shall be first sworn by the superintendent to perform their duties impartially and not to
25 read, write, count, or certify any return or vote in a false or fraudulent manner.

26 21-2-493.

27 (a) The superintendent shall, at or before 12:00 Noon on the day following the primary or
28 election, at his or her office or at some other convenient public place at the county seat or
29 in the municipality, of which due notice shall have been given as provided by Code Section
30 21-2-492, publicly commence the computation and canvassing of the returns and continue
31 the same from day to day until completed. For this purpose the superintendent may
32 organize his or her assistants into sections, each of which may simultaneously proceed with
33 the computation and canvassing of the returns from various precincts of the county or
34 municipality in the manner provided by this Code section. Upon the completion of such
35 computation and canvassing, the superintendent shall tabulate the figures for the entire

1 county or municipality and sign, announce, and attest the same, as required by this Code
2 section.

3 (b) The superintendent, before computing the votes cast in any precinct, shall compare the
4 registration figure with the certificates returned by the poll officers showing the number
5 of persons who voted in each precinct or the number of ballots cast. If, upon consideration
6 by the superintendent of the returns and certificates before him or her from any precinct,
7 it shall appear that the total vote returned for any candidate or candidates for the same
8 office ~~or nomination~~ or on any question exceeds the number of electors in such precinct or
9 exceeds the total number of persons who voted in such precinct or the total number of
10 ballots cast therein, such excess shall be deemed a discrepancy and palpable error and shall
11 be investigated by the superintendent; and no votes shall be recorded from such precinct
12 until an investigation shall be had. Such excess shall authorize the summoning of the poll
13 officers to appear immediately with any primary or election papers in their possession. The
14 superintendent shall then examine all the registration and primary or election documents
15 whatever relating to such precinct in the presence of representatives of each party, body,
16 and interested candidate. Such examination may, if the superintendent deems it necessary,
17 include a recount or recanvass of the votes of that precinct and a report of the facts of the
18 case to the district attorney where such action appears to be warranted.

19 (c) In precincts in which paper ballots have been used, the superintendent may require the
20 production of the ballot box and the recount of the ballots contained in such ballot box,
21 either generally or respecting the particular office, ~~nomination~~, or question as to which the
22 excess exists, in the discretion of the superintendent, and may require the correction of the
23 returns in accordance with the result of such recount. If the ballot box is found to contain
24 more ballots than there are electors registered in such precinct or more ballots than the
25 number of voters who voted in such precinct at such primary or election, the superintendent
26 may, in his or her discretion, exclude the poll of that precinct, either as to all offices,
27 candidates, questions, or parties and bodies or as to any particular offices, candidates,
28 questions, or parties and bodies, as to which such excess exists.

29 (d) In precincts in which voting machines have been used, the superintendent may require
30 a recanvass of the votes recorded on the machines used in the precinct, as provided in Code
31 Section 21-2-495.

32 (e) In precincts in which paper ballots have been used, the general returns made by the poll
33 officers from the various precincts shall be read one after another in the usual order, slowly
34 and audibly, by one of the assistants who shall, in each case of a return from a precinct in
35 which ballots were used, read therefrom the number of ballots issued, spoiled, canceled,
36 and cast, respectively, whereupon the assistant having charge of the records of the
37 superintendent showing the number of ballots furnished for each precinct, including the

1 number of stubs and unused ballots and spoiled and canceled ballots returned, shall
2 publicly announce the number of the same respectively; and, unless it appears by such
3 number or calculations therefrom that such records and such general return correspond, no
4 further returns shall be read from the latter until all discrepancies are explained to the
5 satisfaction of the superintendent.

6 (f) In precincts in which voting machines have been used, there shall be read from the
7 general return the identifying number or other designation of each voting machine used and
8 the numbers registered on the protective counter or device on each machine prior to the
9 opening of the polls and immediately after the close of the same, whereupon the assistant
10 having charge of the records of the superintendent showing the number registered on the
11 protective counter or device of each voting machine prior to delivery at the polling place
12 shall publicly announce the numbers so registered; and, unless it appears that such records
13 and such general return correspond, no further returns shall be read from the latter until any
14 and all discrepancies are explained to the satisfaction of the superintendent.

15 (g) In precincts in which paper ballots have been used, when the records agree with such
16 returns regarding the number of ballots and the number of votes recorded for each
17 candidate, such votes for each candidate shall be read by an assistant slowly, audibly, and
18 in an orderly manner from the general return which has been returned unsealed; and the
19 figures announced shall be compared by other assistants with the general return which has
20 been returned sealed. The figures announced for all precincts shall be compared by one of
21 the assistants with the tally papers from the respective precincts. If any discrepancies are
22 discovered, the superintendent shall examine all of the return sheets, tally papers, and other
23 papers in his or her possession relating to the same precinct. If the tally papers and sealed
24 general return sheet agree, the unsealed general return shall be immediately corrected to
25 conform thereto. In every other case the superintendent shall immediately cause the ballot
26 box of the precinct to be opened and the vote therein to be recounted in the presence of
27 interested candidates or their representatives; and, if the recount shall not be sufficient to
28 correct the error, the superintendent may summon the poll officers to appear immediately
29 with all election papers in their possession.

30 (h) In precincts in which voting machines have been used, when the records agree with the
31 returns regarding the number registered on the voting machine, the votes recorded for each
32 candidate shall be read by an assistant slowly, audibly, and in an orderly manner from the
33 general return sheet which has been returned unsealed; and the figures announced shall be
34 compared by other assistants with the duplicate return sheet which has been returned
35 sealed. If the voting machine is of the type equipped with a mechanism for printing paper
36 proof sheets, such general and duplicate return sheets shall also be compared with such
37 proof sheets, which have been returned as aforesaid. If any discrepancies are discovered,

1 the superintendent shall examine all of the return sheets, proof sheets, and other papers in
2 his or her possession relating to the same precinct. Such proof sheets shall be deemed to
3 be prima-facie evidence of the result of the primary or election and to be prima facie
4 accurate; and, if the proper proof sheets, properly identified, shall be mutually consistent
5 and if the general and duplicate returns or either of such returns from such precinct shall
6 not correspond with such proof sheets, they shall be corrected so as to correspond with
7 such proof sheets in the absence of allegation of specific fraud or error proved to the
8 satisfaction of the superintendent.

9 (i) If any error or fraud is discovered, the superintendent shall compute and certify the
10 votes justly, regardless of any fraudulent or erroneous returns presented to him or her, and
11 shall report the facts to the appropriate district attorney for action.

12 (j) The superintendent shall see that the votes shown by each absentee ballot are added to
13 the return received from the precinct of the elector casting such ballot.

14 (k) As the returns from each precinct are read, computed, and found to be correct or
15 corrected as aforesaid, they shall be recorded on the blanks prepared for the purpose until
16 all the returns from the various precincts which are entitled to be counted shall have been
17 duly recorded; then they shall be added together, announced, and attested by the assistants
18 who made and computed the entries respectively and shall be signed by the superintendent.
19 The consolidated returns shall then be certified by the superintendent in the manner
20 required by this chapter. Such returns shall be certified by the superintendent not later than
21 5:00 P.M. on the seventh day following the date on which such election was held.

22 (l) In such case where the results of an election contest change the returns so certified, a
23 corrected return shall be certified and filed by the superintendent which makes such
24 corrections as the court orders.

25 21-2-494.

26 ~~The superintendent, in computing the votes cast at any election, shall compute and certify~~
27 ~~only those write-in votes cast for candidates who have given proper notice of intent to be~~
28 ~~write-in candidates pursuant to Code Section 21-2-133 exactly as such names were written~~
29 ~~by the elector~~ Reserved.

30 21-2-495.

31 (a) In precincts where paper ballots have been used, the superintendent may, either of his
32 or her own motion or upon petition of any candidate or political party, order the recount
33 of all the ballots for a particular precinct or precincts for one or more offices in which it
34 shall appear that a discrepancy or error, although not apparent on the face of the returns,
35 has been made. Such recount may be held at any time prior to the certification of the

1 consolidated returns by the superintendent and shall be conducted under the direction of
2 the superintendent. Before making such recount, the superintendent shall give notice in
3 writing to each candidate and to the county or municipal chairperson of each party or body
4 affected by the recount. Each such candidate may be present in person or by
5 representative, and each such party or body may send two representatives to be present at
6 such recount. If upon such recount, it shall appear that the original count by the poll
7 officers was incorrect, such returns and all papers being prepared by the superintendent
8 shall be corrected accordingly.

9 (b) In precincts where voting machines have been used, whenever it appears that there is
10 a discrepancy in the returns recorded for any voting machine or machines or that an error,
11 although not apparent on the face of the returns, exists, the superintendent shall, either of
12 his or her own motion or upon the sworn petition of three electors of any precinct, order
13 a recanvass of the votes shown on that particular machine or machines. Such recanvass
14 may be conducted at any time prior to the certification of the consolidated returns by the
15 superintendent. In conducting such recanvass, the superintendent shall summon the poll
16 officers of the precinct; and such officers, in the presence of the superintendent, shall make
17 a record of the number of the seal upon the voting machine or machines and the number
18 of the protective counter or other device; shall make visible the registering counters of each
19 such machine; and, without unlocking the machine against voting, shall recanvass the vote
20 thereon. Before making such recanvass, the superintendent shall give notice in writing to
21 the custodian of voting machines, to each candidate, and to the county or municipal
22 chairperson of each party or body affected by the recanvass. Each such candidate may be
23 present in person or by representative, and each of such parties or bodies may send two
24 representatives to be present at such recanvass. If, upon such recanvass, it shall be found
25 that the original canvass of the returns has been correctly made from the machine and that
26 the discrepancy still remains unaccounted for, the superintendent, with the assistance of the
27 custodian, in the presence of the poll officers and the authorized candidates and
28 representatives, shall unlock the voting and counting mechanism of the machine and shall
29 proceed thoroughly to examine and test the machine to determine and reveal the true cause
30 or causes, if any, of the discrepancy in returns from such machine. Each counter shall be
31 reset at zero before it is tested, after which it shall be operated at least 100 times. After the
32 completion of such examination and test, the custodian shall then and there prepare a
33 statement, in writing, giving in detail the result of the examination and test; and such
34 statement shall be witnessed by the persons present and shall be filed with the
35 superintendent. If, upon such recanvass, it shall appear that the original canvass of the
36 returns by the poll officers was incorrect, such returns and all papers being prepared by the
37 superintendent shall be corrected accordingly; provided, however, that in the case of

1 returns from any precinct wherein the primary or election was held by the use of a voting
2 machine equipped with a mechanism for printing paper proof sheets, such proof sheets, if
3 mutually consistent, shall be deemed to be prima-facie evidence of the result of the primary
4 or election and to be prima facie accurate; and there shall not be considered to be any
5 discrepancy or error in the returns from any such precinct, such as to require a recanvass
6 of the vote, if all available proof sheets, from the voting machine used therein, identified
7 to the satisfaction of the superintendent and shown to his or her satisfaction to have been
8 produced from proper custody, shall be mutually consistent; and, if the general and
9 duplicate returns, or either of such returns from such precincts shall not correspond with
10 such proof sheets, they and all other papers being prepared by the superintendent shall be
11 corrected so as to correspond with such proof sheets in the absence of allegation of specific
12 fraud or error proved to the satisfaction of the superintendent by the weight of the evidence;
13 and only in such case shall the vote of such precinct be recanvassed under this Code
14 section.

15 (c) Whenever the difference between the number of votes received by a candidate who has
16 been declared ~~nominated~~ qualified for ~~an office~~ the ensuing election in a primary election
17 or who has been declared elected to an office in an election ~~or who has been declared~~
18 ~~eligible for a run-off primary or election~~ and the number of votes received by any other
19 candidate or candidates not declared so ~~nominated~~ qualified or elected ~~or eligible for a~~
20 ~~runoff~~ shall be not more than 1 percent of the total votes which were cast for such office
21 therein, any such candidate or candidates receiving a sufficient number of votes so that the
22 difference between his or her vote and that of a candidate declared ~~nominated, elected, or~~
23 ~~eligible for a run-off~~ qualified or elected is not more than 1 percent of the total votes cast,
24 within a period of two business days following the certification of the election results, shall
25 have the right to a recount of the votes cast, if such request is made in writing by the losing
26 candidate. If the office sought is a federal or state office voted upon by the electors of
27 more than one county, the request shall be made to the Secretary of State who shall direct
28 that the recount be performed in all counties in which electors voted for such office and
29 notify the superintendents of the several counties involved of the request. In all other
30 cases, the request shall be made to the superintendent. The superintendent or
31 superintendents shall order a recount of such votes to be made immediately. If, upon such
32 recount, it is determined that the original count was incorrect, the returns and all papers
33 prepared by the superintendent, the superintendents, or the Secretary of State shall be
34 corrected accordingly and the results recertified.

35 (d) Any other provision of this Code section to the contrary notwithstanding, a candidate
36 for a federal or state office voted upon by the electors of more than one county may petition
37 the Secretary of State for a recount or recanvass of votes, as appropriate, when it appears

1 that a discrepancy or error, although not apparent on the face of the returns, has been made.
2 The recount or recanvass may be ordered in the discretion of the Secretary of State in any
3 and all counties in which electors voted for such office, and said recount or recanvass may
4 be held at any time prior to the certification of the consolidated returns by the Secretary of
5 State. A recount or recanvass shall be conducted by the appropriate superintendent or
6 superintendents in the manner and pursuant to the procedures otherwise provided in this
7 Code section for a recount or recanvass, as appropriate. The petition pursuant to this Code
8 section shall be in writing and signed by the person or persons requesting the recount or
9 recanvass. A petition shall set forth the discrepancies or errors and any evidence in support
10 of the petitioner's request for a recount or recanvass and shall be verified. The Secretary
11 of State may require the petitioner or other persons to furnish additional information
12 concerning the apparent discrepancies or errors in the counting or canvassing of votes.

13 21-2-496.

14 (a) Each superintendent shall prepare four copies of the consolidated return of the primary
15 to be certified by the superintendent on forms furnished by the Secretary of State, such
16 consolidated returns to be filed immediately upon certification as follows:

17 (1) One copy to be posted at the county courthouse or city hall for the information of the
18 public;

19 (2) One copy to be filed in the superintendent's office;

20 (3) One copy to be forwarded to the Secretary of State together with a copy of each
21 precinct return, the numbered list of voters of each precinct, and the returns and the
22 numbered list of voters for absentee electors; and

23 (4) One copy to be sealed and filed with the clerk of the superior court as required by
24 Code Section 21-2-500.

25 (b) The Secretary of State is authorized to provide a method by which the election
26 superintendent can file the results of primaries and elections electronically. Once the
27 Secretary of State provides such a method of filing, the election superintendent shall file
28 a copy of the election returns electronically in the manner prescribed by the Secretary of
29 State in addition to the filing provided in subsection (a) of this Code section. The Secretary
30 of State is authorized to promulgate such rules and regulations as necessary to provide for
31 such an electronic filing.

32 21-2-497.

33 Each superintendent shall prepare four copies of the consolidated return of the election to
34 be certified by the superintendent on forms furnished by the Secretary of State, such
35 consolidated returns to be filed immediately upon certification as follows:

(1) One copy to be posted at the county courthouse for the information of the public;

(2) One copy to be filed and recorded as a permanent record in the minutes of the superintendent's office;

(3) One copy to be sealed and filed with the clerk of the superior court as required by Code Section 21-2-500; and

(4) One copy to be returned as follows:

(A) In the case of election of federal and state officers, a separate return showing totals of the votes cast for each of such officers respectively shall be forwarded by the superintendent to the Secretary of State on forms furnished by the Secretary of State;

(B) In the case of elections for any county officer or other officer required by law to be commissioned by the Governor in any of the several counties of this state, it shall be the duty of the superintendent to transmit immediately to the Secretary of State a certified copy of the returns of all such offices;

(C) In the case of referendum elections provided for by an Act of the General Assembly, the returns shall immediately be certified by the authority holding such election to the Secretary of State, along with the precinct returns and numbered list of voters for each precinct. In addition thereto, the official citation of the Act involved and the purpose of such election shall be sent to the Secretary of State at the same time. The Secretary of State shall maintain a permanent record of such certifications;

(D) In the case of elections on constitutional amendments, the returns shall be certified immediately to the Secretary of State. Upon receiving the certified returns from the various superintendents, the Secretary of State shall immediately proceed to canvass and tabulate the votes cast on such amendments and certify the results to the Governor; or

(E) In the case of election for presidential electors, a separate return shall be prepared by each superintendent and certified immediately to the Secretary of State.

21-2-498.

Reserved.

21-2-499.

(a) Upon receiving the certified returns of any election from the various superintendents, the Secretary of State shall immediately proceed to tabulate, compute, and canvass the votes cast for all candidates described in subparagraph (A) of paragraph (4) of Code Section 21-2-497 and upon all questions voted for by the electors of more than one county and shall thereupon certify and file in his or her office the tabulation thereof. In the event an error is found in the certified returns presented to the Secretary of State or in the

1 tabulation, computation, or canvassing of votes as described in this Code section, the
2 Secretary of State shall notify the county submitting the incorrect returns and direct the
3 county to correct and recertify such returns. Upon receipt by the Secretary of State of the
4 corrected certified returns of the county, the Secretary of State shall issue a new
5 certification of the results and shall file the same in his or her office.

6 (b) The Secretary of State shall also, upon receiving the certified returns for presidential
7 electors, proceed to tabulate, compute, and canvass the votes cast for each slate of
8 presidential electors and shall immediately lay them before the Governor. Not later than
9 5:00 P.M. on the fourteenth day following the date on which such election was conducted,
10 the Secretary of State shall certify the votes cast for all candidates described in
11 subparagraph (A) of paragraph (4) of Code Section 21-2-497 and upon all questions voted
12 for by the electors of more than one county and shall no later than that same time lay the
13 returns for presidential electors before the Governor. The Governor shall enumerate and
14 ascertain the number of votes for each person so voted and shall certify the slates of
15 presidential electors receiving the highest number of votes. The Governor shall certify the
16 slates of presidential electors no later than 5:00 P.M. on the fifteenth day following the date
17 on which such election was conducted. Notwithstanding the deadlines specified in this
18 Code section, such times may be altered for just cause by an order of a judge of superior
19 court of this state.

20 ~~(c) The Secretary of State shall not count, tabulate, or publish the names of any write-in~~
21 ~~candidates for whom the notice of intention of candidacy has not been provided in~~
22 ~~compliance with Code Section 21-2-133.~~

23 21-2-500.

24 (a) Immediately upon completing the returns required by this article, in the case of
25 elections other than municipal elections, the superintendent shall deliver in sealed
26 containers to the clerk of the superior court or, if designated by the clerk of the superior
27 court, to the county records manager or other office or officer under the jurisdiction of a
28 county governing authority which maintains or is responsible for records, as provided in
29 Code Section 50-18-99, the used and void ballots and the stubs of all ballots used; one copy
30 of the oaths of poll officers; and one copy of each numbered list of voters, tally paper,
31 voting machine paper proof sheet, and return sheet involved in the primary or election. In
32 addition, the superintendent shall deliver copies of the voting machine ballot labels,
33 computer chips containing ballot tabulation programs, copies of computer records of ballot
34 design, and similar items or an electronic record of the program by which votes are to be
35 recorded or tabulated, which is captured prior to the election, and which is stored on some
36 alternative medium such as a CD-ROM or floppy disk simultaneously with the

1 programming of the PROM or other memory storage device. The clerk, county records
2 manager, or the office or officer designated by the clerk shall hold such ballots and other
3 documents under seal, unless otherwise directed by the superior court, for at least 24
4 months, after which time they shall be presented to the grand jury for inspection at its next
5 meeting. Such ballots and other documents shall be preserved in the office of the clerk,
6 county records manager, or officer designated by the clerk until the adjournment of such
7 grand jury, and then they may be destroyed, unless otherwise provided by order of the
8 superior court.

9 (b) The superintendent shall retain all unused ballots for 30 days after the election or
10 primary and, if no challenge or contest is filed prior to or during that period that could
11 require future use of such ballots, may thereafter destroy such unused ballots. If a
12 challenge or contest is filed during that period that could require the use of such ballots,
13 they shall be retained until the final disposition of the challenge or contest and, if remaining
14 unused, may thereafter be destroyed.

15 (c) Immediately upon completing the returns required by this article, the municipal
16 superintendent shall deliver in sealed containers to the city clerk the used and void ballots
17 and the stubs of all ballots used; one copy of the oaths of poll officers; and one copy of
18 each numbered list of voters, tally paper, voting machine paper proof sheet, and return
19 sheet involved in the primary or election. In addition, the municipal superintendent shall
20 deliver copies of the voting machine ballot labels, computer chips containing ballot
21 tabulation programs, copies of computer records of ballot design, and similar items or an
22 electronic record of the program by which votes are to be recorded or tabulated, which is
23 captured prior to the election, and which is stored on some alternative medium such as a
24 CD-ROM or floppy disk simultaneously with the programming of the PROM or other
25 memory storage device. Such ballots and other documents shall be preserved under seal
26 in the office of the city clerk for at least 24 months; and then they may be destroyed unless
27 otherwise provided by order of the mayor and council if a contest has been filed or by court
28 order, provided that the electors list, voter's certificates, and duplicate oaths of assisted
29 electors shall be immediately returned by the superintendent to the county or municipal
30 registrar as appropriate.

31 21-2-501.

32 (a) ~~Except as otherwise provided in this Code section, no~~ No candidate shall be nominated
33 ~~for public office~~ qualified for an election in any primary or special primary or elected to
34 ~~public office in any special election unless such candidate shall have received a majority~~
35 ~~of the votes cast to fill such nomination or public office~~ other than as provided by
36 paragraph (1) or (2) of Code Section 21-2-130. ~~In instances where no candidate receives~~

~~a majority of the votes cast, a run-off primary, special primary runoff, or special election runoff between the candidates receiving the two highest numbers of votes shall be held. Unless such date is postponed by a court order, such run-off primary, special primary runoff, or special election runoff shall be held on the twenty-first day after the day of holding the preceding primary or special election, provided that, unless postponed by court order, a runoff in the case of a special primary or special election shall be held no sooner than the fourteenth day and no later than the twenty-first day after the day of holding the preceding special primary or special election, which run-off day shall be determined by the Secretary of State in a runoff to fill a federal or state office or by the superintendent in a runoff to fill a county or militia district office. If any candidate eligible to be in a runoff withdraws, dies, or is found to be ineligible, the remaining candidates receiving the two highest numbers of votes shall be the candidates in the runoff. The candidate receiving the highest number of the votes cast in such run-off primary, special primary runoff, or special election runoff to fill the nomination or public office sought shall be declared the winner. The name of a write-in candidate eligible for election in a runoff shall be printed on the special election run-off ballot in the independent column. The run-off primary, special primary runoff, or special election runoff shall be a continuation of the primary, special primary, or special election for the particular office concerned. Only the electors who were duly registered to vote and not subsequently deemed disqualified to vote in the primary, special primary, or special election for candidates for that particular office shall be entitled to vote therein, and only those votes cast for the persons designated as candidates in such run-off primary, special primary runoff, or special election runoff shall be counted in the tabulation and canvass of the votes cast. No elector shall vote in a run-off primary or special primary runoff in violation of Code Section 21-2-224.~~

~~(b) For the purposes of this subsection and notwithstanding the provisions of paragraph (22) of Code Section 21-2-2, the word 'plurality' shall mean the receiving by one candidate alone of the highest number of votes cast. If the municipal charter or ordinances of a municipality as now existing or as amended subsequent to September 1, 1968, provide that a candidate may be nominated or elected by a plurality of the votes cast to fill such nomination or public office, such provision shall prevail. Otherwise, no municipal candidate shall be nominated for public office in any primary or elected to public office in any election unless such candidate shall have received a majority of the votes cast to fill such nomination or public office. Reserved.~~

~~(c) In instances in which no municipal candidate receives a majority of the votes cast and the municipal charter or ordinances do not provide for nomination or election by a plurality vote, a run-off primary or election shall be held between the candidates receiving the two highest numbers of votes. Such runoff shall be held on the twenty-first day after the day~~

1 of holding the first primary or election, unless such run-off date is postponed by court
2 order. Only the electors entitled to vote in the first primary or election shall be entitled to
3 vote in any run-off primary or election resulting therefrom; provided, however, that no
4 elector shall vote in a run-off primary in violation of Code Section 21-2-216. The run-off
5 primary or election shall be a continuation of the first primary or election, and only those
6 votes cast for the candidates receiving the two highest numbers of votes in the first primary
7 or election shall be counted. No write-in votes may be cast in such a primary, run-off
8 primary, or run-off election. If any candidate eligible to be in a runoff withdraws, dies, or
9 is found to be ineligible, the remaining candidates receiving the two highest numbers of
10 votes shall be the candidates in such runoff. The municipal candidate receiving the highest
11 number of the votes cast in such run-off primary or election to fill the nomination or public
12 office sought shall be declared the winner. Reserved.

13 (d) The name of a municipal write-in candidate eligible for election in a municipal runoff
14 shall be printed on the municipal run-off election ballot in the independent column
15 Reserved.

16 (e) In all cities having a population in excess of 100,000 according to the United States
17 decennial census of 1980 or any future such census, in order for a municipal candidate to
18 be nominated for public office in any primary or elected to public office in any municipal
19 election, he or she must receive a majority of the votes cast Reserved.

20 (f) Except for presidential electors, to To be elected to public office in a general or special
21 election, a candidate must receive a plurality of the votes cast in an election to fill such
22 public office. To be elected to the office of presidential electors, no slate of candidates shall
23 be required to receive a plurality of the votes cast, but that slate of candidates shall be
24 elected to such office which receives the highest number of votes cast.

25 (g) In the event that no candidate receives a plurality of the votes cast in a general election,
26 a runoff of the general election between the candidates receiving the two highest numbers
27 of votes shall be held. If more than one candidate in a general election receives a plurality
28 of the votes cast, the candidate receiving the highest number of votes cast shall be declared
29 the winner. Unless such date is postponed by a court order, such runoff shall be held on
30 the twenty-first day after the day of holding the preceding general election. If any
31 candidate eligible to be in such runoff withdraws, dies, or is found to be ineligible, the
32 remaining candidates receiving the two highest numbers of votes shall be the candidates
33 in the runoff. The candidate receiving the highest number of the votes cast in such runoff
34 to fill the public office such candidate seeks shall be declared the winner. The name of a
35 write-in candidate eligible for election in a runoff shall be printed on the run-off election
36 ballot in the independent column. The run-off election of a general election shall be a
37 continuation of the general election for the particular office concerned. Only the electors

~~who were duly registered to vote and not subsequently deemed disqualified to vote for that particular office in such general election shall be entitled to vote therein, and only those votes cast for the persons designated as candidates in such runoff shall be counted in the tabulation and canvass of the votes cast.~~

21-2-501.1.

Whenever a municipal general primary or election is held in conjunction with the general primary or November general election in even-numbered years, the time specified for the closing of the registration list; and the time within which candidates must qualify for the municipal primary or election, ~~and the time specified for the holding of any runoff necessary~~ shall be the same as specified for general elections.

21-2-502.

(a) *Governor and other constitutional officers.* Upon completing the tabulation of any election for Governor, Lieutenant Governor, Secretary of State, Attorney General, State School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, or Commissioner of Labor, the Secretary of State shall lay the same before the Governor upon his or her oath of office as Governor; and the Governor, upon the other constitutional officers taking their oaths of office, shall issue a commission under the great seal of the State of Georgia signed by the Governor and countersigned by the Secretary of State, to each such person. The Secretary of State shall issue the commission to the person elected Governor.

(b) *United States senators; representatives in Congress; members of the General Assembly.*

(1) Upon completing the tabulation of any election for United States senator or representative in Congress, the Secretary of State shall lay the same before the Governor, who shall immediately issue certificates of election and commissions under the seal of the state, duly signed by the Governor and attested by the Secretary of State and deliver the same to the candidates receiving the required number of votes to be elected to the respective offices.

(2) The Secretary of State shall issue certificates of election to the persons elected members of the Senate and the House of Representatives of the General Assembly and, between the hours of 12:00 Noon and 1:00 P.M. on the second Monday in January of each odd-numbered year, present before the Senate and the House of Representatives the several returns of the elections of members of the respective houses. In case of a special election the Secretary of State shall issue a certificate of election to each person so elected, and the Secretary of State shall present the returns of such election to the proper

1 house as soon as received and tabulated by the Secretary of State. Immediately upon their
2 taking the oath of office, each member of the Senate and the House of Representatives
3 shall be issued a commission under the great seal of the State of Georgia, signed by the
4 Secretary of State.

5 (c) *Justices of the Supreme Court, Judges of the Court of Appeals, Commissioners of the*
6 *Georgia Public Service Commission, judges of the superior court, judges of the juvenile*
7 *court, and district attorneys.* Upon completion of the tabulation the Secretary of State shall
8 certify the result of each election of Justices of the Supreme Court, of Judges of the Court
9 of Appeals, of Commissioners of the Georgia Public Service Commission, of judges of the
10 superior court, of judges of the juvenile court where elected, and of district attorneys to the
11 Governor and shall issue a certificate of election to each person so elected. The Governor
12 shall, upon each such person taking the oath of office, immediately issue a commission
13 under the great seal of the State of Georgia, signed by the Governor and countersigned by
14 the Secretary of State, to each such person.

15 (d) *County officers.* The superintendent in each county shall, as soon as the returns have
16 been properly certified, issue certificates of election to the successful candidates for all
17 county officers to be filled by the votes of electors of such county. Immediately upon
18 taking the oath of office, each such county officer shall be issued a commission under the
19 seal of the executive department, signed by the Governor and countersigned by one of his
20 or her secretaries.

21 (e) *Presidential electors.* The Secretary of State, on receiving and computing the returns
22 of presidential electors, shall lay them before the Governor, who shall enumerate and
23 ascertain the number of votes for each person so voted for and shall cause a certificate of
24 election to be delivered to each person so chosen.

25 (f) *Constitutional amendments.* Upon receiving the certified results of elections on all
26 constitutional amendments from the Secretary of State, the Governor shall issue his or her
27 proclamation declaring the results of the vote of each amendment.

28 21-2-503.

29 (a) A commission which is to be issued, as provided for by this chapter, to any person
30 elected to any office shall be issued notwithstanding the fact that the election of such
31 person to any such office may be contested in the manner provided by this chapter.
32 Whenever it shall appear, by the final judgment of the proper tribunal having jurisdiction
33 of a contested election, that the person to whom such commission shall have been issued
34 has not been elected legally to the office for which he or she has been commissioned, then
35 a commission shall be issued to the person who shall appear to be elected legally to such

1 office. The issuing of such commission shall nullify the commission already issued; and
2 all power and authority first issued under such commission shall thereupon cease.

3 (b) A person elected to a municipal office may be sworn into office notwithstanding that
4 the election of such person may be contested in the manner provided by this chapter. Upon
5 the final judgment of the proper tribunal having jurisdiction of a contested election which
6 orders a second election or declares that another person was legally elected to the office,
7 the person sworn into municipal office shall cease to hold the office and shall cease to
8 exercise the powers, duties, and privileges of the office immediately.

9 21-2-504.

10 (a) Whenever ~~any primary or election shall fail to fill a particular nomination or office and~~
11 ~~such failure cannot be cured by a run-off primary or election, whenever~~ any person elected
12 to public office shall die or withdraw prior to taking office; or whenever any person elected
13 to public office shall fail to take that office validly, the authority with whom the candidates
14 for such ~~nomination or~~ office file notice of candidacy shall call a special ~~primary or~~
15 election to fill such position. ~~If a special primary will not be held and unless~~ Unless
16 otherwise provided by law, the call of a special election shall be made within 45 days after
17 the occurrence of the vacancy.

18 (b) Whenever any person elected to municipal public office shall, after taking office, die,
19 withdraw, or for any other reason create a vacancy in his or her office and the municipal
20 charter fails to provide a method for the filling of such vacancy, the governing authority
21 shall thereupon call a special election to fill such vacancy.

22 ARTICLE 13

23 21-2-520.

24 As used in this article, the term:

25 (1) 'Contestant' means any person or persons entitled under Code Section 21-2-521 to
26 contest the result of any primary or election.

27 (2) 'Defendant' means:

28 (A) The person whose ~~nomination or~~ election is contested;

29 (B) The person or persons whose eligibility to seek any ~~nomination or~~ office in a
30 ~~run-off primary or an~~ election is contested;

31 (C) The election superintendent or superintendents who conducted the contested
32 primary or election; or

(D) The public officer who formally declared the number of votes for and against any question submitted to electors at an election.

21-2-521.

~~The nomination~~ qualification of any person who is declared ~~nominated~~ qualified for election at a primary as a candidate for any federal, state, county, or municipal office; the election of any person who is declared elected to any such office (except when otherwise prescribed by the federal Constitution or the Constitution of Georgia); the eligibility of any person declared eligible to seek any such ~~nomination~~ or office in a ~~run-off primary or an~~ election; or the approval or disapproval of any question submitted to electors at an election may be contested by any person who was a candidate at such primary or election for such ~~nomination~~ or office, or by any aggrieved elector who was entitled to vote for such person or for or against such question.

21-2-522.

A result of a primary or election may be contested on one or more of the following grounds:

(1) Misconduct, fraud, or irregularity by any primary or election official or officials sufficient to change or place in doubt the result;

(2) When the defendant is ineligible for the ~~nomination~~ or office in dispute;

(3) When illegal votes have been received or legal votes rejected at the polls sufficient to change or place in doubt the result;

(4) For any error in counting the votes or declaring the result of the primary or election, if such error would change the result;

(5) For any other cause which shows that another was the person legally ~~nominated, elected, or eligible to compete in a run-off primary or election~~ qualified or elected.

21-2-522.1.

Notwithstanding any other provisions of this chapter, for the purposes of election contests, a vote cast by a person who has been listed on the official list of electors for a period of ten years or longer shall be rebuttably presumed to be a legal vote despite an unsigned voter registration card, so long as that person continues to meet the eligibility requirements of Code Section 21-2-216. For such a voter, there shall be a rebuttable presumption that the voter has taken the oath and that the voter registration card is a replacement of the original voter registration card.

1 21-2-523.

2 (a) A contest case governed by this article shall be tried and determined by the superior
3 court of the county where the defendant resides, except that a municipal contest case shall
4 be tried and determined by the superior court of the county where the city hall is located.
5 A contest case challenging the eligibility of the two defendants declared as eligible to
6 compete with each other in ~~a run-off primary or an~~ an election shall be tried and determined
7 by the superior court of the county where the defendant who received the highest number
8 of votes resides.

9 (b) The superior court having jurisdiction of a contest case governed by this article shall
10 be presided over by a superior court judge or senior judge. The superior court judge or
11 senior judge who presides over the contest shall be selected as set out in subsection (c) of
12 this Code section.

13 (c) Upon the filing of a contest petition, the clerk of the superior court having jurisdiction
14 shall immediately notify the administrative judge for the judicial administrative district in
15 which that county lies, or the district court administrator, who shall immediately notify the
16 administrative judge, of the institution of proceedings under this article. If the county in
17 which the proceedings were instituted is not in the circuit of the administrative judge, the
18 administrative judge shall select a superior court judge from within the district, but not
19 from the circuit in which the proceeding was instituted, or a senior judge not a resident of
20 the circuit in which the proceeding was instituted, to preside over the contest.

21 (d) If the administrative judge is a member of the circuit in which the proceeding was filed,
22 or if the other judges of the district are unable or are unwilling to preside over the
23 proceeding, or if the other judges of the district are judges of the circuit in which the
24 proceeding was filed, then the administrative judge shall select an administrative judge of
25 an adjoining district to select a superior court judge from that district, or a superior court
26 judge from the district in which the proceeding was filed, but not the circuit in which the
27 proceeding was filed, or a senior judge who is not a resident of the circuit wherein the
28 proceeding was filed.

29 (e) After a judge has agreed to preside over the case, the administrative judge who selected
30 the judge to hear the matter shall enter an order in the superior court of the county where
31 the proceeding was filed appointing such judge, and such judge shall promptly begin
32 presiding over such proceedings in such court and shall determine same as soon as
33 practicable. Such judge shall be reimbursed for his or her actual expenses for food and
34 lodging and shall receive the same mileage as any other state officials and employees.
35 Senior judges shall be entitled to compensation and reimbursement as the law provides for
36 senior judge service.

1 21-2-524.

2 (a) A petition to contest the result of a primary or election shall be filed in the office of the
3 clerk of the superior court having jurisdiction within five days after the official
4 consolidation of the returns of that particular office or question and certification thereof by
5 the election official having responsibility for taking such action under this chapter or within
6 five days after the official consolidation and certification of the returns of that particular
7 office or question by the election official having responsibility for taking such action under
8 this chapter following a recount pursuant to Code Section 21-2-495 and shall allege:

9 (1) The contestant's qualification to institute the contest;

10 (2) The contestant's desire to contest the result of such primary or election and the name
11 of the ~~nomination~~, office, or question involved in the contest;

12 (3) The name of the defendant;

13 (4) The name of each person who was a candidate at such primary or election for such
14 ~~nomination~~ or office in the case of a contest involving same;

15 (5) Each ground of contest;

16 (6) The date of the official declaration of the result in dispute;

17 (7) The relief sought; and

18 (8) Such other facts as are necessary to provide a full, particular, and explicit statement
19 of the cause of contest.

20 (b) The State Election Board shall be served with a copy of the petition, as provided in
21 subsection (a) of this Code section, by serving the same on the chairperson thereof, by
22 mailing a copy to the chairperson by certified or registered mail or statutory overnight
23 delivery; and a certificate that such service has been made shall be filed by the plaintiff or
24 his or her attorney.

25 (c) When an error in the counting of votes is alleged as a ground of contest, it is sufficient
26 for the contestant to state generally that he or she believes that error was committed in the
27 counting of the votes cast for the filling of the ~~nomination~~ or office in dispute, or for or
28 against the question in dispute, in one or more specified precincts; and it shall not be
29 necessary for the contestant to offer evidence to substantiate such allegation. If a recount
30 of the votes cast in any precinct or precincts shall change the result in dispute, any
31 aggrieved litigant may require a recount of the votes affecting such result, which were cast
32 in any other precinct or precincts, by amending his or her pleadings and requesting such
33 relief.

34 (d) The petition shall be verified by the affidavit of each contestant. Such affidavit shall
35 be taken and subscribed before some person authorized by law to administer oaths and shall
36 state that the contestant believes the facts alleged therein are true, that according to the best
37 of his or her knowledge and belief the contested result of the primary or election is illegal

1 and the return thereof incorrect, and that the petition to contest the same is made in good
2 faith.

3 (e) A statement of the grounds of contest shall not be rejected, nor the proceedings
4 dismissed by any court, for want of form, if the grounds of contest are alleged with such
5 certainty as will advise the defendant of the particular proceeding or cause for which the
6 primary or election is contested.

7 (f) Upon such petition being filed, the clerk of the superior court shall issue notice, in the
8 form of special process directed to the sheriff of such county, requiring the defendant and
9 any other person named in such petition as a candidate for such ~~nomination~~ or office, if
10 any, to appear and answer such petition, on a day to be fixed in such notice, not more than
11 ten days nor less than five days after the service of such notice. Such notice, with a copy
12 of the petition attached, shall be served by the sheriff upon the defendant and any other
13 person named therein in the same manner as petitions and process are served in other civil
14 cases. On or before the day fixed in such notice, unless for good cause shown the presiding
15 judge shall extend the time therefor, the defendant shall appear and answer such petition
16 and may set up by way of answer or cross action any right of interest he or she may have
17 or claim in such proceeding. Any other person who was a candidate at such primary or
18 election for the ~~nomination~~ or office involved and upon whom notice was served as
19 provided in this subsection shall be deemed a litigant to such proceeding and may set up
20 by way of answer or cross action any right of interest or claim he or she may have.

21 (g) After filing, any petition, cross action, or answer may be amended with leave of the
22 court so as to include the specification of additional grounds of contest, other relevant facts,
23 or prayer for further relief. After each amendment, a reasonable time to respond shall be
24 given by the court to any opposing litigant.

25 21-2-525.

26 (a) Within 20 days after the return day fixed in the notice as provided in subsection (a) of
27 Code Section 21-2-524 to the defendant, the presiding judge shall fix a place and time for
28 the hearing of the contest proceeding. Such judge may fix additional hearings at such other
29 times and places as are necessary to decide the contest promptly.

30 (b) The court having jurisdiction of the action shall have plenary power, throughout the
31 area in which the contested primary or election was conducted, to make, issue, and enforce
32 all necessary orders, rules, processes, and decrees for a full and proper understanding and
33 final determination and enforcement of the decision of every such case, according to the
34 course of practice in other civil cases under the laws of this state, or which may be
35 necessary and proper to carry out this chapter. The court shall have authority to subpoena
36 and to compel the attendance of any officer of the primary or election complained of and

1 of any person capable of testifying concerning the same; to compel the production of
2 evidence which may be required at such hearing, in like manner and to the same extent as
3 in other civil cases litigated before such court; to take testimony; and to proceed without
4 delay to the hearing and determination of such contest, postponing for the purpose, if
5 necessary, all other business.

6 (c) The court may, in its discretion, limit the time to be consumed in taking testimony,
7 dividing such time equitably among all litigants concerned, with a view therein to the
8 circumstances of the matter and to the proximity of the next succeeding primary or election.

9 21-2-526.

10 (a) All issues of a contest shall be fully tried and determined by the court without the aid
11 and intervention of a jury, unless a litigant to the contest shall demand a trial by jury at any
12 time prior to the call of the case; and the court shall determine that it is an issue which
13 under other laws of this state the litigant is entitled to have tried by a jury. Upon such
14 determination, a jury shall be impaneled and the cause shall proceed according to the
15 practice and procedure of the court in jury cases.

16 (b) In a case contesting the result of a primary or election held in two or more counties,
17 each issue to be tried by a jury shall be tried by a jury impaneled in the county where such
18 issue or a part thereof arose. Such jury shall be impaneled by the superior court of the
19 county in which the jury trial is to be conducted; such trial shall be presided over by the
20 judge as described in Code Section 21-2-523; and such trial shall proceed, insofar as
21 practicable, as though it were being conducted in the county of the superior court having
22 jurisdiction of the contest.

23 (c) In a case contesting the result of a primary or election held within a single county, the
24 court may require a jury to return only a special verdict in the form of a special written
25 finding upon each issue of fact. In a case contesting the result of a primary or election held
26 in two or more counties, the court shall require each jury impaneled to return only a special
27 verdict in the form of a special written finding upon each issue of fact. In a case where a
28 special verdict is to be rendered, the court shall submit to the jury written questions
29 susceptible of categorical or other brief answer or may submit written forms of the several
30 special findings which might properly be made under the pleadings and evidence; or it may
31 use such other method of submitting the issues and requiring the written findings thereon
32 as it deems most appropriate. The court shall give to the jury such explanation and
33 instruction concerning the matter thus submitted as may be necessary to enable the jury to
34 make its findings upon each issue. If, in so doing, the court omits any issue of fact raised
35 by the pleadings or by the evidence, each party waives his or her right to a trial by jury of
36 the issue so omitted unless before the jury retires he or she demands its submission to the

1 jury. As to an issue omitted without such demand, the court may make a finding; or, if it
2 fails to do so, it shall be deemed to have made a finding in accord with the judgment on the
3 special verdict.

4 21-2-527.

5 (a) After hearing the allegations and evidence in the contest, the court shall declare as
6 ~~nominated, elected, or as eligible to compete in a run-off primary or election that qualified~~
7 qualified or elected that candidate who received the requisite number of votes and shall
8 pronounce judgment accordingly; and the clerk of the superior court shall certify such
9 determination to the proper authority. In the case of a contest involving a question
10 submitted to electors at an election, the court shall pronounce judgment as to whether the
11 same was approved or disapproved; and the clerk of the superior court shall certify such
12 determination to the defendant.

13 (b) When a defendant who has received the requisite number of votes for ~~nomination,~~
14 ~~election, or to compete in a run-off primary~~ qualification or election is determined to be
15 ineligible for the ~~nomination or~~ office sought, the court shall pronounce judgment declaring
16 the primary or election invalid with regard to such ~~nomination or~~ office and shall call a
17 second primary or election ~~to fill such nomination or~~ for such office and shall set the date
18 for such second primary or election.

19 (c) If misconduct is complained of on the part of the poll officers of any precinct, it shall
20 not be held sufficient to set aside the contested result unless the rejection of the vote of
21 such precinct would change such result.

22 (d) Whenever the court trying a contest shall determine that the ~~primary, election, or runoff~~
23 primary or election is so defective ~~as to the nomination, office, or eligibility in contest as~~
24 to place in doubt the result of the ~~entire primary, election, or runoff for such nomination,~~
25 ~~office, or eligibility,~~ such court shall declare the ~~primary, election, or runoff~~ primary or
26 election to be invalid with regard to such ~~nomination, office, or eligibility~~ and shall call for
27 a second ~~primary, election, or runoff~~ primary or election to be conducted among all of the
28 same candidates who participated in the ~~primary, election, or runoff to fill such nomination~~
29 ~~or office~~ primary or election for such office which was declared invalid and shall set the
30 date for such second ~~primary, election, or runoff~~ primary or election.

31 21-2-527.1.

32 No settlement of any case under this article shall become effective unless:

- 33 (1) All parties to such case have been given an opportunity to object to such settlement
34 before the court; and
35 (2) The court has approved such settlement.

1 21-2-528.

2 An appeal from the final determination of the court may be taken within ten days from the
3 rendition thereof to the Supreme Court as in other civil cases. The filing of a notice of
4 appeal shall not act as a stay or supersedeas. The appellant may apply to the Supreme
5 Court for a stay or supersedeas, and such court shall consider applications for stays or
6 supersedeas in such cases without regard to whether any notice of appeal has been filed or
7 the record docketed in such cases.

8 21-2-529.

9 The contestant and the defendant shall be liable to the officers and witnesses for the costs
10 made by them, respectively. If the result of the primary or election is confirmed, the
11 petition dismissed, or the prosecution fails, judgment shall be rendered against the
12 contestant for costs; and, if the judgment is against the defendant or the result of the
13 primary or election is set aside, he or she shall pay the costs at the discretion of the court.
14 After entry of judgment, the costs may be collected by attachment or otherwise.

15 ARTICLE 14

16 21-2-540.

17 (a) Every special election shall be held and conducted in all respects in accordance with
18 the provisions of this chapter relating to general elections; and the provisions of this
19 chapter relating to general elections shall apply thereto insofar as practicable and as not
20 inconsistent with any other provisions of this chapter. All special elections held at the time
21 of a general election, as provided by Code Section 21-2-541, shall be conducted by the poll
22 officers by the use of the same equipment and facilities, so far as practicable, as are used
23 for such general election.

24 (b) At least 29 days shall intervene between the call of a special primary and the holding
25 of same, and at least 29 days shall intervene between the call of a special election and the
26 holding of same. The period during which candidates may qualify to run in a special
27 primary or a special election shall remain open for a minimum of two and one-half days.
28 Municipal special elections which are to be held in conjunction with a state-wide general
29 primary or state-wide general election shall be called at least 60 days prior to the date of
30 such state-wide general primary or state-wide general election; provided, however, that this
31 requirement shall not apply to special elections held on the same date as such state-wide
32 general primary or state-wide general election but conducted separate and apart from such
33 state-wide general primary or state-wide general election.

(c)(1) Notwithstanding any other provision of law to the contrary, a special election to present a question to the voters or a special primary or special election to fill a vacancy in a county or municipal office shall be held only on one of the following dates which is at least 29 days after the date of the call for the special election:

(A) In odd-numbered years any such special election shall only be held on:

- (i) The third Tuesday in March;
- (ii) The third Tuesday in June;
- (iii) The third Tuesday in September; or
- (iv) The Tuesday after the first Monday in November; and

(B) In even-numbered years any such special election shall only be held on:

- (i) The third Tuesday in March; provided, however, that in the event that a special election is to be held under this provision in a year in which a presidential preference primary is to be held, then any such special election shall be held on the date of and in conjunction with the presidential preference primary;
- (ii) The date of the general primary;
- (iii) The third Tuesday in September; or
- (iv) The Tuesday after the first Monday in November.

(2) The provisions of this subsection shall not apply to:

(A) Special elections held pursuant to Chapter 4 of this title, the 'Recall Act of 1989,' to recall a public officer or to fill a vacancy in a public office caused by a recall election;

(B) Special primaries or special elections to fill vacancies in federal or state public offices.

(d) Except as otherwise provided by this chapter, the superintendent of each county or municipality shall publish the call of the special election.

(e) Candidates in special elections shall not be listed on the ballot according to party affiliation unless a candidate has been ~~nominated~~ qualified in a special primary, ~~in which event such a candidate shall have his or her name placed in a column under the name of his or her party.~~ The incumbency of a candidate seeking election for the public office he or she then holds shall be indicated on the ballot.

21-2-541.

(a) A special primary or election may be held at the time of a general primary or election.

(b) If the times specified for the closing of the registration list for a special primary or election are the same as those for a general primary or election, the candidates and questions in such special primary or election shall be included on the ballot for such general primary or election. In such an instance, the name of the office and the candidates

1 in such special election shall appear on the ballot in the position where such names would
2 ordinarily appear if such contest was a general primary or election.

3 21-2-541.1.

4 All municipal offices elected at general municipal elections shall be for terms of four years
5 unless otherwise provided by local law in accordance with Code Section 21-2-541.2.
6 Unless otherwise provided for by the municipal charter, municipal officeholders shall be
7 sworn in at their first organizational meeting of the new year and will hold office until their
8 successors are duly elected and qualified and take said oath of office.

9 21-2-541.2.

10 Notwithstanding Code Section 1-3-11 or any other provision of this chapter, the General
11 Assembly is authorized to provide by local law:

12 (1) For terms of two years for municipal offices, with the local law designating the
13 offices to be elected and the time periods covered by such terms for each office;

14 (2) For municipal offices to change from concurrent terms to staggered terms or from
15 staggered terms to concurrent terms, with the local law designating the terms for each
16 office;

17 (3) For such terms to be staggered terms, with the local law designating the terms for
18 each office;

19 (4) For general municipal elections to fill such offices to be held on the Tuesday next
20 following the first Monday in November in even-numbered years and on such day
21 biennially thereafter and on the Tuesday next following the first Monday in November
22 in odd-numbered years and on such day biennially thereafter;

23 (5) For municipal offices elected pursuant to a prior local law authorized by this Code
24 section to change to terms of office of four years, with the local law designating the
25 offices to be elected and the time periods covered by such terms for each office;

26 (6) For general municipal elections to fill such offices to be held on the Tuesday next
27 following the first Monday in November in any year during the first six years
28 immediately following the enactment of a local law pursuant to this Code section as
29 necessary for the purpose of changing the election and terms of any such municipal
30 offices to conform to this Code section;

31 (7) For initial terms of one, two, three, or four years as necessary to change the terms of
32 such offices to four-year concurrent or staggered terms of office; and

33 (8) Except as authorized in paragraph (6) of this Code section, for general municipal
34 elections to be held on the Tuesday next following the first Monday in November of any
35 odd-numbered year.

1 21-2-542.

2 Whenever a vacancy shall occur in the representation of this state in the Senate of the
3 United States, such vacancy shall be filled for the unexpired term by the vote of the electors
4 of the state at a special election to be held at the time of the next November state-wide
5 general election, occurring at least 40 days after the occurrence of such vacancy; and it
6 shall be the duty of the Governor to issue his or her proclamation for such election. Until
7 such time as the vacancy shall be filled by an election as provided in this Code section, the
8 Governor may make a temporary appointment to fill such vacancy.

9 21-2-543.

10 Whenever a vacancy shall occur or exist in the office of Representative in the United States
11 Congress from this state the Governor shall issue, within ten days after the occurrence of
12 such vacancy, a writ of election to the Secretary of State for a special election to fill such
13 vacancy, which election shall be held on the date named in the writ, which shall not be less
14 than 30 days after its issuance. Upon receiving the writ of election from the Governor, the
15 Secretary of State shall then transmit the writ of election to the superintendent of each
16 county involved and shall publish the call of the election.

17 21-2-544.

18 Whenever a vacancy shall occur or exist in either house of the General Assembly during
19 a session of the General Assembly or whenever such vacancy shall occur or exist at a time
20 when the members of the General Assembly shall be required to meet, at any time previous
21 to the next November election, the Governor shall issue, within ten days after the
22 occurrence of such vacancy, or after the calling of an extraordinary session of the General
23 Assembly during the existence of such vacancy, a writ of election to the Secretary of State
24 for a special election to fill such vacancy, which election shall be held on the date named
25 in the writ, which shall not be less than 30 nor more than 60 days after its issuance. Upon
26 receiving the writ of election from the Governor, the Secretary of State shall then transmit
27 the writ of election to the superintendent of each county involved and shall publish the call
28 of the election. In all other cases any such special election to fill any such vacancy shall be
29 held if the Governor issues his or her writ of election therefor. In such cases the writ of
30 election shall be issued to the Secretary of State who shall transmit the writ of election to
31 the superintendent of each county involved and shall publish the call of the election.

32 21-2-545.

33 Any other provision of law to the contrary notwithstanding, in the event there is no
34 opposed candidate in a precinct in a special primary, no special primary shall be held in

1 such precinct. ~~The proper officials of the unopposed candidate's political party shall certify~~
2 ~~him or her as the party nominee for the office involved for the purpose of having his or her~~
3 ~~name placed upon the special election ballots or ballot labels.~~ Where feasible, the
4 superintendent shall provide notice reasonably calculated to inform the affected electorate
5 that no special primary election is to be conducted. Each such unopposed candidate shall
6 be deemed to have voted for himself or herself. The superintendent shall certify any such
7 unopposed candidate ~~as nominated~~ in the same manner as he or she certifies other
8 candidates ~~nominated~~ pursuant to Code Section 21-2-493.

9 ARTICLE 15

10 21-2-560.

11 Except as otherwise provided in Code Section 21-2-565, any person who shall make a false
12 statement under oath or affirmation regarding any material matter or thing relating to any
13 subject being investigated, heard, determined, or acted upon by any public official, in
14 accordance with this chapter, shall be guilty of a misdemeanor.

15 21-2-561.

16 Any person who:

17 (1) Registers as an elector knowing that such elector does not possess the qualifications
18 required by law;

19 (2) Registers as an elector under any other name than the elector's own name; or

20 (3) Knowingly gives false information when registering as an elector

21 shall be guilty of a felony.

22 21-2-562.

23 (a) Any person who willfully:

24 (1) Inserts or permits to be inserted any fictitious name, false figure, false statement, or
25 other fraudulent entry on or in any registration card, electors list, voter's certificate,
26 affidavit, tally paper, general or duplicate return sheet, statement, certificate, oath,
27 voucher, account, ballot or ballot card, or other record or document authorized or required
28 to be made, used, signed, returned, or preserved for any public purpose in connection
29 with any primary or election;

30 (2) Alters materially or intentionally destroys any entry which has been lawfully made
31 therein; or

32 (3) Takes or removes any book, affidavit, return, account, ballot or ballot card, or other
33 document or record from the custody of any person having lawful charge thereof, in order

to prevent the same from being used or inspected or copied as required or permitted by this chapter

shall be guilty of a felony.

(b) Any person who willfully neglects or refuses, within the time and in the manner required by this chapter, to deliver any such document described in subsection (a) of this Code section into the custody of the officers who are required by this chapter to use or keep the same shall be guilty of a misdemeanor.

21-2-563.

~~Any person who knowingly and willfully:~~

~~(1) Signs any nomination petition without having the qualifications prescribed by this chapter;~~

~~(2) Sets any false statement opposite the signature on a nomination petition;~~

~~(3) Signs more nomination petitions than permitted by this chapter;~~

~~(4) Makes a false statement in any affidavit required by this chapter to be appended to or to accompany a nomination petition;~~

~~(5) Signs any name not his or her own to any nomination petition; or~~

~~(6) Materially alters any nomination petition without the consent of the signers~~

~~shall be guilty of a felony~~ Reserved.

21-2-564.

~~Any person who willfully makes any false nomination certificate or defaces or destroys any nomination petition, nomination certificate, or nomination paper, or letter of withdrawal, knowing the same, or any part thereof, to be made falsely, or suppresses any nomination petition, nomination certificate, or nomination paper, or any part thereof, which has been duly filed shall be guilty of a felony~~ Reserved.

21-2-565.

(a) Any person knowingly making any false statement ~~in connection with filing a notice of candidacy under Code Section 21-2-132 or in connection with qualifying as a candidate for party nomination under Code Section 21-2-153~~ commits the offense of false swearing.

(b) The district attorney of any judicial circuit or of the county in which all or the greater portion of any municipality is situated shall furnish all investigative personnel and facilities to the Secretary of State, the superintendent, or political party, as the case may be, as needed to determine the accuracy and correctness of all facts set forth in the affidavits filed pursuant to ~~Code Sections 21-2-132 and~~ Code Section 21-2-153 and shall commence

1 prosecution of any person when it appears that a violation of this Code section has
2 occurred.

3 (c) Where proper venue of any such prosecution would be in another county, the district
4 attorney whose office conducted the investigation shall forward all evidence and other data
5 to the district attorney of the county where venue is proper; and prosecution shall be
6 commenced by such official.

7 21-2-566.

8 Any person who:

9 (1) Willfully prevents or attempts to prevent any poll officer from holding any primary
10 or election under this chapter;

11 (2) Uses or threatens violence to any poll officer or interrupts or improperly interferes
12 with the execution of his or her duty;

13 (3) Willfully blocks or attempts to block the avenue to the door of any polling place;

14 (4) Uses or threatens violence to any elector to prevent him or her from voting;

15 (5) Willfully prepares or presents to any poll officer a fraudulent voter's certificate not
16 signed by the elector whose certificate it purports to be;

17 (6) Knowingly deposits fraudulent ballots in the ballot box;

18 (7) Knowingly registers fraudulent votes upon any voting machine; or

19 (8) Willfully tampers with any electors list, voter's certificate, numbered list of voters,
20 ballot box, voting machine, direct recording electronic (DRE) equipment, or tabulating
21 machine

22 shall be guilty of a felony.

23 21-2-567.

24 Any person who uses or threatens to use force and violence, or in any other manner
25 intimidates any other person, to:

26 (1) Vote or refrain from voting at any primary or election, or to vote or refrain from
27 voting for or against any particular candidate or question submitted to electors at such
28 primary or election; or

29 (2) Place or refrain from placing his or her name upon a register of electors

30 shall be guilty of a misdemeanor.

31 21-2-568.

32 Any person who:

(1) Goes into the voting compartment or voting machine booth while another is voting or marks the ballot or ballot card or registers the vote for another, except in strict accordance with this chapter;

(2) Interferes with any elector marking his or her ballot or ballot card or registering his or her vote;

(3) Attempts to induce any elector before depositing his or her ballot or ballot card to show how he or she marks or has marked his or her ballot or ballot card;

(4) While giving lawful assistance to another, attempts to influence the vote of the elector whom he or she is assisting or marks a ballot or ballot card or registers a vote in any other way than that requested by the voter whom he or she is assisting; or

(5) Discloses to anyone how another elector voted, except when required to do so in any legal proceeding

shall be guilty of a misdemeanor.

21-2-569.

Any person, including any poll officer, who willfully prevents any poll officer from performing the duties imposed on him or her by this chapter shall be guilty of a felony.

21-2-570.

Any person who gives or receives, offers to give or receive, or participates in the giving or receiving of money or gifts for the purpose of registering as a voter, voting, or voting for a particular candidate in any primary or election shall be guilty of a felony.

21-2-571.

Any person who votes or attempts to vote at any primary or election, knowing that such person does not possess all the qualifications of an elector at such primary or election, as required by law, or who votes or attempts to vote at any primary in violation of Code Section 21-2-223 or who knowingly gives false information to poll officers in an attempt to vote in any primary or election shall be guilty of a felony.

21-2-572.

Any person who votes in more than one precinct in the same primary or election or otherwise fraudulently votes more than once at the same primary or election shall be guilty of a felony.

21-2-573.

Any person who votes or attempts to vote by absentee ballot at any primary or election under Article 10 of this chapter and who is not qualified to vote shall be guilty of a misdemeanor.

21-2-574.

Any person, other than an officer charged by law with the care of ballots or ballot cards or a person entrusted by any such officer with the care of the same for a purpose required by law, who has in his or her possession outside the polling place any official ballot or ballot card shall be guilty of a felony.

21-2-575.

(a) Any person who makes, constructs, or has in his or her possession any counterfeit of an official ballot, ballot card, or ballot label shall be guilty of a felony.

(b) This Code section shall not be applied to facsimile ballots printed and published as an aid to electors in any newspaper generally and regularly circulated within this state, so long as such facsimile ballot is at least 25 percent larger or smaller than the official ballot of which it is a facsimile. This Code section shall not be applied to any sample or facsimile ballots or ballot labels obtained under Code Section 21-2-400. Nothing in this Code section shall be so construed as to prohibit the procurement and distribution of reprints of the said newspaper printings; nor shall it be so construed as to prohibit the preparation and distribution by election officials of facsimile ballots and ballot labels or portions thereof, provided that they are of a different color and at least 25 percent larger or smaller than the official ballots or ballot labels.

(c) Nothing in this Code section shall be so construed as to prohibit any person from procuring and distributing reprints or portions of reprints of any sample or facsimile ballots or ballot labels as provided in Code Section 21-2-400, provided such reprints or portions of reprints are of a different color and at least 25 percent larger or smaller than the official ballots or ballot labels.

21-2-576.

Any person who willfully destroys or defaces any ballot or ballot card or willfully delays the delivery of any ballots or ballot cards shall be guilty of a misdemeanor.

21-2-577.

Any person removing any ballot from any book of official ballots, except in the manner provided by this chapter, shall be guilty of a misdemeanor.

21-2-578.

Any person who, before any ballot or ballot card is deposited in the ballot box as provided by this chapter, willfully unfolds, opens, or pries into any such ballot or ballot card with the intent to discover the manner in which the same has been marked shall be guilty of a misdemeanor.

21-2-579.

Any voter at any primary or election who:

(1) Allows his or her ballot, ballot card, or the face of the voting machine used by him or her to be seen by any person with the apparent intention of letting it be known for a fraudulent purpose how he or she is about to vote;

(2) Casts or attempts to cast any other than the official ballot or ballot card which has been given to him or her by the proper poll officer, or advises or procures another to do so;

(3) Without having made the affirmation under oath or declaration required by Code Section 21-2-409, or when the disability which he or she declared at the time of registration no longer exists, permits another to accompany him or her into the voting compartment or voting machine booth or to mark his or her ballot or to register his or her vote on the voting machine or direct recording electronic (DRE) equipment; or

(4) States falsely to any poll officer that because of his or her inability to read the English language or because of blindness, near-blindness, or other physical disability he or she cannot mark the ballot or ballot card or operate the voting machine without assistance shall be guilty of a misdemeanor.

21-2-580.

Any person who:

(1) Unlawfully opens, tampers with, or damages any voting machine to be used or being used at any primary or election;

(2) Willfully prepares a voting machine for use in a primary or election in improper order for voting; or

(3) Prevents or attempts to prevent the correct operation of such machine shall be guilty of a felony.

21-2-581.

Any unauthorized person who makes or knowingly has in his or her possession a key to a voting machine to be used or being used in any primary or election shall be guilty of a felony.

21-2-582.

Any person who tampers with or damages any direct recording electronic (DRE) equipment or tabulating computer or device to be used or being used at or in connection with any primary or election or who prevents or attempts to prevent the correct operation of any direct recording electronic (DRE) equipment or tabulating computer or device shall be guilty of a felony.

21-2-582.1.

(a) For the purposes of this Code section, the term 'voting equipment' shall mean a voting machine, tabulating machine, optical scanning voting system, or direct recording electronic voting system.

(b) Any person or entity, including but not limited to a manufacturer or seller of voting equipment, who alters, modifies, or changes any aspect of such voting equipment without prior approval of the Secretary of State is guilty of a felony.

21-2-583.

Any person who:

(1) Prior to any primary or election, willfully defaces, removes, or destroys any notice or list of candidates posted in accordance with this chapter;

(2) During any primary or election, willfully defaces, tears down, removes, or destroys any card of instructions, notice of penalties, or diagram printed or posted for the instruction of electors; or

(3) During any primary or election, willfully removes or destroys any of the supplies or conveniences furnished to any polling place in order to enable electors to vote or the poll officers to perform their duties

shall be guilty of a misdemeanor.

21-2-584.

If any manager refuses or willfully fails to administer the oath to the poll officer in the manner required by this chapter, or if any poll officer shall knowingly act without being first duly sworn, or if any such person shall sign the written form of oath without being duly sworn, or if any manager or any other person authorized to administer oaths shall certify that any such person was sworn when he or she was not, he or she shall be guilty of a misdemeanor.

21-2-585.

(a) Any superintendent or employee of his or her office who willfully refuses to permit the public inspection or copying, in accordance with this chapter, of any general or duplicate return sheet, tally paper, affidavit, petition, certificate, paper, account, contract, report, or any other document or record in his or her custody, or who willfully removes any such document or record from his or her office during said period, or who permits the same to be removed, except pursuant to the direction of any competent authority, shall be guilty of a misdemeanor.

(b) Any superintendent or employee of his or her office who willfully destroys or alters, or permits to be destroyed or altered, any document described in subsection (a) of this Code section during the period for which the same is required to be kept shall be guilty of a felony.

21-2-586.

(a) If the Secretary of State or any employee of his or her office willfully refuses to permit the public inspection or copying, in accordance with this chapter, of any return, petition, certificate, paper, account, contract, report, or any other document or record in his or her custody, except when in use, or willfully removes any such document or record from his or her office during such period or permits the same to be removed, except pursuant to the direction of competent authority, the Secretary of State or employee of his or her office shall be guilty of a misdemeanor.

(b) If the Secretary of State or any employee of his or her office willfully destroys, alters, or permits to be destroyed or altered any document described in subsection (a) of this Code section during the period for which the same is required to be kept in his or her office, the Secretary of State or employee of his or her office shall be guilty of a felony.

21-2-587.

Any poll officer who willfully:

- (1) Makes a false return of the votes cast at any primary or election;
- (2) Deposits fraudulent ballots or ballot cards in the ballot box or certifies as correct a false return of ballots or ballot cards;
- (3) Registers fraudulent votes upon any voting machine or certifies as correct a return of fraudulent votes cast upon any voting machine;
- (4) Makes any false entries in the electors list;
- (5) Destroys or alters any ballot, ballot card, voter's certificate, or electors list;
- (6) Tampers with any voting machine, direct recording electronic (DRE) equipment, or tabulating computer or device;

(7) Prepares or files any false voter's certificate not prepared by or for an elector actually voting at such primary or election; or

(8) Fails to return to the officials prescribed by this chapter, following any primary or election, any keys of a voting machine, ballot box, general or duplicate return sheet, tally paper, oaths of poll officers, affidavits of electors and others, record of assisted voters, numbered list of voters, electors list, voter's certificate, spoiled and canceled ballots or ballot cards, ballots or ballot cards deposited, written, or affixed in or upon a voting machine, DRE memory cards, or any certificate or any other paper or record required to be returned under this chapter

shall be guilty of a felony.

21-2-588.

Any poll officer who counts any votes before the close of the polls or before the last person has voted, whichever occurs later in time, on the day of any primary or election shall be guilty of a misdemeanor.

21-2-589.

Any poll officer who willfully:

(1) Fails to file the voter's certificate of any elector actually voting at any primary or election;

(2) Fails to record voting information as required by this chapter; or

(3) Fails to insert in the numbered list of voters the name of any person actually voting shall be guilty of a misdemeanor.

21-2-590.

Any poll officer who:

(1) Permits any unregistered person to vote at any primary or election, knowing such person is unregistered;

(2) Permits any person registered as an elector to vote, knowing that such person is not qualified to vote, whether or not such person has been challenged;

(3) Refuses to permit any duly registered and qualified person to vote at any primary or election, with the knowledge that such person is entitled to vote; or

(4) Renders assistance to an elector in voting in violation of Code Section 21-2-409, or knowingly permits another person to render such assistance in violation of Code Section 21-2-409

shall be guilty of a misdemeanor.

1 21-2-591.

2 Any poll officer who permits a voter to be accompanied by another into the voting
3 compartment or voting machine booth when such poll officer knows that the disability
4 which the voter declared at the time of registration no longer exists or that the disability
5 which the voter declared at the time of voting did not exist shall be guilty of a
6 misdemeanor.

7 21-2-592.

8 Any poll officer who willfully fails to keep a record, as required by Code Section 21-2-409,
9 of the name of each voter who received assistance, the exact disability of any assisted voter
10 which makes the assistance necessary, and the name of each person rendering assistance
11 to a voter shall be guilty of a misdemeanor.

12 21-2-593.

13 Any law enforcement officer who:

14 (1) Willfully neglects or refuses to clear an avenue to the door of any polling place which
15 is obstructed in such a way as to prevent electors from entering, when called upon to do
16 so by any poll officer or elector of the precinct;

17 (2) Willfully neglects or refuses to maintain order and quell any disturbance if such
18 arises at any polling place upon the day of any primary or election, when called upon to
19 do so by any poll officer or elector of the precinct; or

20 (3) Willfully hinders or delays, or attempts to hinder or delay, any poll officer in the
21 performance of any duty under this chapter

22 shall be guilty of a misdemeanor.

23 21-2-594.

24 Any printer employed to print any official ballots or ballot cards for use in a primary or
25 election, or any person engaged in printing the same, who:

26 (1) Appropriates to himself or herself or gives or delivers, or knowingly permits to be
27 taken, any of said ballots or ballot cards by any unauthorized person; or

28 (2) Willfully and knowingly prints, or causes to be printed, any official ballot or ballot
29 cards in any form other than that prescribed by the appropriate officials or with any other
30 names or printing, or with the names spelled otherwise than as directed by such officials
31 or the names or printing thereon arranged in any other way than that authorized and
32 directed by this chapter

33 shall be guilty of a felony.

21-2-595.

Reserved.

21-2-596.

Any public officer or any officer of a political party or body on whom a duty is laid by this chapter who willfully neglects or refuses to perform his or her duty shall be guilty of a misdemeanor.

21-2-597.

Any person who intentionally interferes with, hinders, or delays or attempts to interfere with, hinder, or delay any other person in the performance of any act or duty authorized or imposed by this chapter shall be guilty of a misdemeanor.

21-2-598.

Except as otherwise provided by law, any person who violates any provision of this chapter shall be guilty of a misdemeanor.

21-2-599.

Any person convicted of a misdemeanor under this chapter shall be subject to any one or more of the following, in the discretion of the trial judge:

(1) A fine of not less than \$100.00 nor more than \$1,000.00;

(2) A sentence of confinement in the county jail or other place of imprisonment for a period not to exceed six months; or

(3) A sentence of confinement in a county correctional institution or other appropriate institution under the jurisdiction of the Department of Corrections not to exceed 12 months.

21-2-600.

Any person convicted of a felony under this chapter shall be punished by a fine not to exceed \$10,000.00 or imprisonment of not less than one year nor more than ten years, or both, in the discretion of the trial court, or may be punished as for a misdemeanor in the discretion of the trial court.

21-2-601.

Any person who intentionally uses the list of electors provided for in Code Section 21-2-225 for commercial purposes shall be guilty of a misdemeanor.

1 21-2-602.
2 It shall be illegal to receive, accept, offer, or provide compensation for soliciting persons
3 to register to vote based upon the number of persons registered and any person who
4 knowingly receives, accepts, offers, or provides such compensation on such basis shall be
5 guilty of a misdemeanor."

6 **SECTION 2.**

7 All laws and parts of laws in conflict with this Act are repealed.